



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

NYPL RESEARCH LIBRARIES



3 3433 06933122 5



C. P.
(Broughton)
Hart

HISTORY
OF THE
BARONY OF BROUGHTON,
(NOW THE NEW TOWN OF EDINBURGH, ETC.)

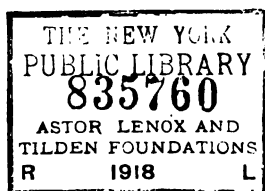
BY
JOHN MACKAY.



YE TOLBUITH OF BRUCHTOUN.

EDINBURGH
JOHN MENZIES & CO., 2 HANOVER STREET.

1867.



MAJOR W. B. S. J. 1918

Printed by R. Sanson, Edinburgh.

CONTENTS.

	PAGE
PREFACE	vii
INTRODUCTION	ix

CHAPTER I.

Etymology of the Name of Broughton—First Notice of it in a Charter by King David the First—Early History of the Barony	11
--	----

CHAPTER II.

Continuation of the Early History of the Barony of Broughton— Moutries Hill, and a few Incidents of the Period	16
---	----

CHAPTER III.

State of the Presbyterian Church in 1561—How Ministers were first Supported—Destruction of the Abbeys and Monastic Buildings by orders of the Convention of the Estates of the Scottish Parliament—The Barons of Broughton	20
---	----

CHAPTER IV.

Continuation of Sketch of the Lives of the Superiors or Barons of Broughton—Adam Bothwell, the Bishop of Orkney— John Bothwell, &c.	27
---	----

CHAPTER V.

How the Barony of Broughton came into the Possession of the Bellendens—Sketch of the Lives of the Barons continued	37
---	----

CHAPTER VI.

Nature of the old Feudal Jurisdictions and Powers of the Barons—Sir Lewis Bellenden, Baron of Broughton—Sketch of his Life, &c.	PAGE 41
---	------------

CHAPTER VII.

Continuation of Sketch of the Barons of Broughton—The Earl of Roxburgh—History of George Heriot's Hospital—The Governors of Heriot's Hospital now Barons or Superiors of Broughton	49
--	----

CHAPTER VIII.

The Village of Broughton—Situation and Extent—Style of its Buildings—Jail, &c.	54
--	----

CHAPTER IX.

The Reformation in Scotland—State of Religious feeling of the Multitude—Witchcraft—Punishments inflicted on Persons Accused of the Crime—Broughton Village noted as a Haunt of Witches—Cases, &c.	63
---	----

CHAPTER X.

King James the Sixth—His Character, Credulity, Belief in Witchcraft—Witches' Meeting at Prestonpans and North Berwick—Supposed Origin of Witchcraft, &c.	73
--	----

CHAPTER XI.

Judicial Powers of the Barons in Criminal Cases—Summary Mode in which they Convicted and Punished Offenders caught with the "Red Hand," or immediately after the Commission of the Crime	81
--	----

CHAPTER XII.

Powers of the Barons as Judges in cases of a Civil Nature—Forms of Procedure—Nature of the Cases—Illustrations showing their general tenor	85
--	----

CHAPTER XIII.

The Governors of Heriot's Hospital as Superiors of Broughton—Courts held by them—Appointment of Bailie-Depute and other Officials—Courts by the Provost and Magistrates of Edinburgh as Superiors of the Burgh of Canongate, part of Leith, Pleasance, &c.—Cases	96
--	----

CONTENTS.

v

CHAPTER XIV.

PAGE

Notices of some Incidents which occurred in Broughton, from the years 1650 to 1748, when the Jurisdictive Powers of the Barons of Broughton were Abolished	109
--	-----

CHAPTER XV.

Heritable Jurisdiction Act—Abolition of certain of the Powers of the Barons—Compensation Awarded to Superiors of Broughton, &c.	113
---	-----

CHAPTER XVI.

Account of the Villages of Canonmills and Silvermills, lying within the Barony	116
--	-----

CONCLUSION.

Extension of Royalty over Lands in Broughton—New Town of Edinburgh—When Houses First Built—The Magistracy of Broughton, &c.	122
---	-----

P R E F A C E.

IT was once considered essential to have a Preface, be the matter what it might to which it was introductory. In this instance we gladly avail ourselves of the privilege, and state the "reason why" we have published the following short sketch.

Having the pleasure of being acquainted with several worthy Broughtonians, including the "Magistracy," who have often expressed their anxious wish to have some information regarding the early history of the old Burgh, the present volume is the result of an attempt to gratify that desire.

We have endeavoured to narrate its history from the earliest period of authentic record down to the time when the Barony was merged within the Royalty of the City of Edinburgh. Having included at one time the Burgh and Regality of Canongate, we considered it requisite to notice a few events in connection with the latter; but it was impossible to notice every

place, such as the Village of Water of Leith, suburbs of Pleasance, &c.

With this preface and "confession" we must now submit to the "test," and, in doing so, humbly crave that we may "be thocht favourable of an dealt wi' lenientlie."

To William Fraser, Esquire, Writer to the Signet, Clerk of the Burgh of Canongate, we respectfully tender our thanks for his kindness in allowing inspection of the old records. We have also to express our obligations to those friends who kindly aided us with information.

J. M.

EDINBURGH, *July* 1867.

INTRODUCTION.

THE History of the Barony and Burgh of Regality of Broughton—the site of its ancient village or “toun,” and a great portion of the lands being now comprised within and known as “Broughton Ward,” the second ward or district of the municipality of the city of Edinburgh—is interesting, not only from its antiquity, but from many of its Barons or Superiors having occupied high offices and taken prominent positions in the administration of the affairs of their country.

The village of Broughton was likewise the arena where many unfortunate persons were convicted and burnt for practising what was then termed the crime of Witchcraft.

This ancient barony has undergone many changes. What was once an independent burgh, with a civil and criminal jurisdiction of its own, and having its court of justice and tolbooth, has been absorbed by another. Its town at one time, and that at no remote period, completely separated, but now overrun by the streets and squares of the royal burgh and city of Edinburgh,

thereby destroying, with the exception of its name, almost every vestige of its former separate existence. Much interest has of late been taken by many of the denizens of Broughton Ward to ascertain the early history of the Barony. With the view of endeavouring to afford such information, we have collected, from various sources, the following incidents. So far as the extracts taken from the records of cases brought before the Baron Bailie of Broughton are concerned the selection we have made show the general character of the suits instituted before that court. These records are contained in several volumes. From the peculiar style of writing, the contractions used, and the ink being very faint in some places, in others illegible owing to the distance of time at which the decisions were written, it was a work of some little difficulty to obtain even the gist of a few of the extracts. We could have given a greater number of these cases, but for a sketch of the nature contemplated, a comparatively small selection was rendered necessary.

References are given to the authorities consulted, so that any one who may be desirous of prosecuting the subject in greater detail can, with the aid afforded, carry out his intention.

HISTORY

OF

THE BARONY OF BROUGHTON.

CHAPTER I.

Etymology of the Name of Broughton—First Notice of it in a Charter by King David the First—Early History of the Barony.

WITH reference to the etymology of Bruchtoun—now Broughton—it may be observed, that the termination “ton” or “toun,” in the Teutonic or Saxon did not imply, as some would infer, a town or village, but simply the farm-house, or principal dwelling of the tenant or proprietor of the lands in the barony. Maitland, in his “History of Edinburgh,”* speaks of the name as signifying “Castleton,” from its connection with the castle of Edinburgh; and a recent writer† says that the lands of Broughton was the farm from which the castle of Edinburgh received its supplies of grain for the sustenance of the garrison, and that Broughton belonged to the crown—hence the name of Castleton. This explanation, however, appears somewhat fanciful.

He may have formed this opinion from the fact that there were a number of mills situated at

* Maitland's “History of Edinburgh,” Book ii. 172.

† Grant's “History of Edinburgh Castle.”

Canonmills and Water of Leith, within the Barony of Broughton, which, undoubtedly, were used in olden times for supplying the inhabitants of Edinburgh and its garrison with flour, &c.

The earliest notice of Broughton which we find on record, is in the grant by King David the First of Scotland, in the year 1128, to the Abbey of Holyrood, or *Domus sanctæ crucis*, wherein it is styled "Bruchtoun." It appears to have belonged to the church until the Reformation, when it was vested in the state, and then given by the king to one of his favourites, thereby becoming private property. The Barony and Burgh has thus been influenced by all the civil and religious changes which have occurred in Scotland, down to the period when the principal part of it was at last absorbed within the new town and extended municipal boundaries of the city of Edinburgh.

The territories of the Barony and Burgh of Regality of Broughton, or what were once included within the barony, were somewhat extensive, and are stated in the grant by King David the First as *Bruchtunam cum suis rectes divisis*. According to the stent-rolls of the Abbacy of Holyrood,* the following lands are stated to be comprehended within "the Baronie of Brochtoun." Imprimis—the Kirklands of Liberton; the lands of Pittendreich; back and fore Spittallis; Slipperfieldis, pertaining to James Cockburn of Skirling; Slipperfieldis, pertaining to Johnne Penny-cuick of that Ilk; Sanct Leonardis, pertaining to Patrick Crichtoun of Lugtoun; Lochflatt, pertaining to Halbert Maxwell; lands callit Pleasance and

* *Vide* Charters of Holyrood.

Dearaneoch ; Beedman's croft of Sanct Leonardis' gait ; Dischflatt and Meadowflatt, pertaining to Sir Lewis Bellenden ; Harlaw and Barbourlands ; Ironsyde and Grote croft, pertaining to Johnne Hart ; Wrytis Landis ; Fleuris ; Hillhousefield ; Bonnytoun, Pilrig, and Common Muir ; Wariestoun, Brochtoun, Waulkmylnis ; Qihyte croft, pertaining to James Douglas ; Haulkerston's croft, Coittis, Saughtonhall ; Saughton, Stanehop Mylnis ; Cauld Coittis ; *item*, the aikers beside Linlithgow, pertaining to Margaret Bellenden ; the Kirkland of Kinghorne ; the Kirklands of Melgunchie ; lands of Friertoun, pertaining to Laird of Corstorphine.

From the above enumeration it will be seen that the lands comprised within the Barony were situated in different counties ; a great portion of these, however, at the period mentioned, surrounded what was then the city of Edinburgh.

These, along with Saughton, Town of Leith or Innerleith—so termed in the charter by King David—Burgh of Canongate, and others, had originally been granted by that king, in 1128, to the Canons Regular of the Order of St. Augustine of Holyrood, who, it is supposed, were first brought to Scotland by Archilophus, Prior of St. Oswald of Nostel, in Yorkshire, afterwards Bishop of Carlisle. The Order was first established at Scone, in 1114, at the desire of Alexander the First, and were possessed of twenty-eight monasteries in Scotland ; one of these being the monastery of Holycross, or *Domus sanctæ crucis*. The chapel of Holycross was first placed in the castle of Edinburgh, and afterwards removed to Holyrood—which abbey was begun to be built about the year 1128, for the support of which King David made

a grant of the lands, and others above mentioned. According to the monkish legend, he did this as a token of gratitude for his miraculous escape from the attack of a stag when engaged hunting in the forest where the abbey was afterwards built.

The arms of the Burgh of Canongate—included within the Barony of Broughton at one time, and like it originally holding off the abbey—are a stag's head with a cross between the antlers, and the inscription or motto, "*Sic itur ad astra.*"

The revenues derived from those various possessions, were drawn by the successive abbots of the Abbey of Holyrood, down to the period of the Reformation in Scotland, when all monastic institutions and other religious orders were abolished, and the lands belonging to them, with the exception of Broughton, secularised by annexation to the crown.

Broughton seems to have been occupied by numerous vassals or proprietors, and the teinds levied from the respective holders are entered in the stent-rolls of the abbacy. A particular account of those, showing the names of the vassals, their possessions, extent, and the rental on which the teinds were exacted, was made in the year 1578, when the Bishop of Orkney was Commendator, as after mentioned. Very few of the records of the Abbacy of Holyrood now remain, and from these no incidents of any note regarding Broughton can be gathered; and it would be superfluous here to notice in detail the various abbots who held office, and enjoyed the revenues derived from the lands of Broughton, along with the other possessions belonging to the monastery, prior to the year 1566.

One of the privileges attaching to the Abbey of

Holyrood was the right of sanctuary or refuge. The like protection was awarded to debtors, who still enjoy the benefit of freedom from arrest while resident within the "Abbey Strand," after claiming protection from "the Bailie," who holds courts occasionally for the exercise of judicial duties. These are, however, now very much restricted. That privilege has always been sanctioned by the courts of law, and it is the only sanctuary in Scotland. An attempt at one time was made to claim the same right for Edinburgh Castle, but it was disallowed. A body, called "the High Constables of Holyrood," having a moderator and other officials, hold and exercise the right of acting as a sort of body-guard, or guard of honour, to her Majesty, or any of the royal family, when resident in the palace, or while within the bounds of Holyrood.*

* William B. Hay, S.S.C., is at present the "Bailie;" James Paris, S.S.C., being the Fiscal. The Moderator is Robert Younger, brewer; and the Vice-Moderator, R. Ritchie, C.E.; John Wallace, Clerk; and George J. Dunnett, Officer.



CHAPTER II.

Continuation of the Early History of the Barony of Broughton—Moutries Hill, and a few incidents of the period.

FROM the date of the charter or grant, in 1128, no particular notice of Broughton occurs until about the year 1544, when, under the regency of Arran, and during the contests between the Scots and English, the latter—with the view of compelling the Scottish Government to carry out the contemplated marriage between King Henry the Eighth's son, Prince Edward, and Queen Mary, failing in that object—out of revenge, sent the Earl of Hereford to invade Scotland. 10,000 English, under his command, landed in the Firth of Forth, at a fortalice called Castle Wardie, a little to the north-west of the village of Broughton. The Scots, under Arran and Cardinal Beaton, lay between the latter place and Wardie. They retired; and Hereford made an attack upon Edinburgh. He was at first repulsed, but ultimately obtained possession of the town; the castle, however, held out, and he was then obliged to retire to his shipping, and withdraw his army to England. Previous to his doing so, he burned Holyrood Palace, Craigmillar Castle, and laid waste Broughton, Leith, and the surrounding districts, for a distance of seven miles.

Broughton was the arena, where many skirmishes took place between the contending factions of the Queen Regent, Mary of Guise—and the Lords of the

Congregation, during the siege of Leith by the latter.

In one of the accounts given of the encounters which occurred in 1571, it is narrated, "That the horsemen of Leith, to mak forder contempt thocht meit to ryde about the toun and the castell, to shaw thaimselfes brave, and as they are rakleslie cum to a place callit Brochtoun, and assemblit in a troupe, a gret cannon of the castell was delashit amangis thame, whar be chance, that martiall noble man, the Lord Methven, with seavin uther horsemen, was killet. But, before thay went hayme, they past toward the Toun Myllis, and brak thame all doune to the end, thay sould serve the inhabitants ta na use, and to depryve thame of cornes." *

All prisoners taken by both parties, unless ransomed, were hanged; and numerous instances are recorded where the captured were so executed as to be seen from the city, and this state of barbarous warfare continued till 8th June of the next year, when an arrangement for an exchange of prisoners was made.

It is also stated, by the same authority, that, on several places, such as Moutries Hill, and Pleasance (also then part of the Barony), cannons were placed, to aid in the siege of the city. On the Pleasance, in particular, nine pieces of cannon were planted on the platform of the roof of a house there, belonging to "ane Adam Fullarton."

Moutries Hill, now the site of St. James' Square, was likewise the scene of various sanguinary skirmishes, and from its commanding position its occupancy was keenly contested. According to Hailes'

* History of the Life of James VI. (Bannantyne Club), 100.

"Annals of Scotland,"* its name was supposed to be a corruption of two gaelic words, signifying the covert, or receptacle of the wild boar. It belonged to the Moutrays, a family of high distinction in the time of James the Fifth. The trees which covered this eminence were often used to hang prisoners upon, whose lifeless bodies could be seen from the city.

On one occasion, it is mentioned that a party of the ^{Earl of Mar's} ~~Queen Regent's~~ forces, having been disappointed in an ambuscade formed for the capture of Lord Claud Hamilton, one of the opposing leaders, five prisoners whom they had captured, were hanged by them on some of the trees there. The Queen Regent's party retaliated the next morning by hanging two of their prisoners upon "ane tree," behind Moutries Hill, in sight of their adversaries; their bodies hung all day, but were taken away during the night by their comrades.

Another account says,† that the soldiers of Leith came the same night to the hill, and cut down the dead men, and destroyed the trees whereon the soldiers had been executed.

The mansion-house of the Moutrays stood at the north-eastern slope of the eminence, and from its position commanded a magnificent view of the Lothians and Fifeshire.

At the lower end of the North Loch (now the site of the railway), when Edinburgh was inclosed by walls, there was a gateway styled the "North Gate," which was twofold, the inner and the outer, through which there was an entry to the city from Moutries Hill.

* Hailes' "Annals of Scotland," i. 96.

† Diurnall of Occurents, 262.

Despite the distracted state in which Scotland was placed during the civil warfare between the contending factions, the nobles and people indulged in various pastimes with great zest—such as tournaments, tilting at the ring, &c. The valley, or low ground at Greenside, was bestowed by King James the Second on the community of Edinburgh, for the special purpose of holding tournaments and other martial sports. Another place, and the most favoured, was at King's Stables, Grassmarket. It is said that it was at the former place that the Earl of Bothwell, made his first impression on the susceptible heart of Mary Stuart—having galloped into the ring down the dangerous steepes of the adjacent hill.* The sport of horse-racing seems to have met with some encouragement, for the authority, from whom we have already quoted, records that on one occasion, and while the Regent, the Earl of Mar, was holding circuit-courts in the south, these “were largely attended, and that many gentlemen of England came thither to behauld it whar thair was gret provocation maid for rynning of horses, and bechance my Lord Hamilton had thair a horse sa weill brydlet and sa spedie, that altho’ he wes of a meynier stature than uther horsis—gret English geldings—that essayit thair spede he overran thame all a great waye, upon Solloway Sandis, wharby he obtainit grat prayse baith of England and Scotland at that tyme.” †

* Pennant's Tour, vol. i. 70.

† History of King James the Sixth, 158.



CHAPTER III.

State of the Presbyterian Church in 1561—How Ministers were first supported—Destruction of the Abbeys and Monastic Buildings by orders of the Convention of the Estates of the Scottish Parliament—The Barons of Broughton.

WHILE attempting to trace the history of the Barony of Broughton, and the parties immediately connected with it as Barons or Superiors of the Regality, we will simply notice the more prominent events in which they took an important part; this period being one of the most remarkable in the history of Scotland—embracing as it did the struggle for civil and religious freedom which resulted in the complete ascendancy of the principles of the Reformers and the establishment of the Presbyterian form of church government. Before doing so, however, it will be requisite shortly to explain in what manner the revenues derived from lands—solely devoted to the maintenance of the Roman Catholic religion and clergy, and in numerous instances specially bequeathed or mortified to that denomination by individuals—came to be appropriated to other purposes; the lands and possessions themselves transferred to the crown or laity; and, in particular, the circumstances under which the Barony of Broughton came into the possession of the present holders of the lands and superiorities.

Many abuses had crept into the Roman Catholic form of worship, and numerous complaints were made

against their clergy, many of them living in open concubinage. From the wealth and position obtained by a number of the dignitaries, they had the control over society to such a degree that their illegitimate offspring were introduced into and held place in the best ranks; their parentage, instead of being a mark of disgrace, "was expressly and definitely set forth in public documents and the title-deeds of estates."*

These complaints, and the increasing power of the party of the Reformers, alarmed the Roman Catholic clergy; and, during the regency of the Queen Dowager, councils were held by them for the purpose of attempting to reform these abuses, but these were of no avail; the tide of the Reformation was flowing too strong to be so checked or diverted from its course of successful progress. The death of the Queen Regent, on 10th June, 1560, expedited matters; for a couple of months afterwards it had overturned the bulwarks of the Roman Catholic system, and established in its room the Presbyterian.

About the end of the year 1561, a Convention of the Estates of the Scottish Parliament was held, chiefly for the purpose of considering the state of the ecclesiastical affairs, and providing a fund to pay the ministers of the Church of Scotland. The number of these had much increased, but others were urgently required, and provision for their sustenance was rendered essential to the success of the Reformed religion.

The revenues of the Church of Rome were the only funds which could be obtained, but the state of these had during the few previous years been much altered;

* Burton's "History of Scotland," vol. iv. 24.

as a number of the abbots and heads of religious houses, either from a sense of duty or interest, had renounced their former belief, and by these measures retained the revenues of the lands belonging to their particular abbacy or house. A number of the nobles had also got into their possession lands belonging to the church; and these were obtained under various pretences, such as services to the crown during the civil contests, and on the pretext that their ancestors had granted lands to the church, for religious purposes, which, now that matters had changed, they considered they were entitled to resume the proprietorship of.

In order to satisfy the wishes of all parties, an attempt was made to do so by effecting a compromise. An account of the value of the various benefices was ordered to be given up to the State, the then incumbents or holders, were to get two-thirds, and the other third was to be annexed to the crown; and out of the latter, a portion was to be given to the Reformed church for the maintenance of their clergy. The third due to the crown, however, was remitted in various ways, especially to those who had formally embraced the doctrine of the Reformation. It was likewise reduced by the incumbents or owners giving in low rentals of their possessions, granting long leases to tenants at small rents, and other expedients, whereby the gross amount payable to the government was very much lessened.

By these measures great changes were produced in the ownership of many large and valuable possessions and estates; superiorities and lordships were created—parties having interest at court gaining much, while, on the other hand, the ministers of the Reformed religion, for whose alleged special benefit the order of the Con-

vention of Estates of Parliament had been passed, obtained but a pittance, and which result formed the grounds for numerous complaints, and occasioned many discussions in the assemblies of the Kirk. The great reformer, John Knox, on hearing of the arrangement, is said to have used the expression, that "If the end of this order be happy my judgment fails me. I see two parts freely given to the Devil, and the third must be divided between God and the Devil. Who would have thought that when Joseph ruled in Egypt his brethern should have travelled for victuals and have returned with empty sacks unto their families. Oh, happy servants of the Devil, and miserable servants of Jesus Christ, if after this life there were not hell and heaven."*

At the same time, the Convention, in a spirit of vandalism, decreed the destruction of the abbeys and buildings of a monastic description—an order not only carried into execution, but, in its accomplishment, causing the destruction of the greater part of the valuable libraries and records of these institutions. Holyrood Abbey shared in the general ruin.

Knox abetted the people in these outbursts of fury; by his advice of "Doun with the crows nests, else the crows will big in them again."†

The remains of these buildings, still existing in various parts of Scotland, show traces of their former magnificence and beauty; but, owing to the neglect of those into whose hands they fell, and the cupidity and vandalism of tenants and others, the edifices were often used as a quarry to supply building

* M'Crie's "Sketch of Church History," i. 73; Burton's "History of Scotland," iv. 196.

* M'Crie's History, ii. 62.

materials to the farmer, or sometimes to assist in building the residence of the laird. In a few instances, some of them have, owing to the munificence of their present proprietors, been of late restored, and their spacious halls once more resound to the worship of God.

John Knox seemed to have carried matters to an extreme in this, as in some other instances. While Queen Mary was confined as a prisoner in England, it is recorded that "while he (John Knox), the chief preacher at Edinburgh, in the end of his sermons being remarkit to have prayit for dyvers forayne prences and for the young King of Scotland, had omitted to pray for his ordinar Prince Quyne Marie, for the whilk he was rebukit by a wryting affixt upoun his dur, and he not willing to obscure ather his will or wit in the matter, answerit publiclie in the kirk the next convenient sermon day, that she nather was, is, or sould be his soverayne and tharfore he was not addebtet to pray for her. Thereafter the haill preachers convenit, and than it was concludit that at na tyme cuming she sould be prayit for, as unworthie of sik a benefit, whaurin they sa constantlie perseverit that nather persuasion or reason could induce thayme to the contrarie."*

The ministers of Edinburgh apparently had been imbued with the like spirit some years afterwards, for on the arrival of the sad tidings of Queen Mary's execution, her son, James the Sixth, "requirit the ministers of Edinburgh to pray for his mother, whilk they obstenatlie refusit, and the Bishop of Sanct Andrews suppliet that defect."†

* History of King James the Sixth, 69.

† Ibid., 225.

The Town Council of Edinburgh, in the height of their zeal for the Reformed religion, caused the picture of St. Giles to be cut out of the town standard, and the Thistle inserted in its stead; and shortly afterwards ordained, that no person "shall be eligible to be chosen into any office in this city but such as are of the Reformed religion."*

Broughton, and certain other properties held under the Abbey of Holyrood, were specially excluded from the enactment made by the Convention of Estates of Parliament before referred to; the incumbents for the time being allowed to draw the teinds, superiorities, and other dues, exigible from the lands situated within the barony.

These, along with the other revenues of the abbacy, had been drawn in this manner by the abbot or commendator, down to the year 1566, when Sir Robert Stuart of Strathdon, got a grant from his sister, Queen Mary, of these possessions. He had previously obtained a grant of the crown lands in Orkney and Shetland. He was a natural son of James the Fifth, and appears to have committed great oppressions on the inhabitants of these islands, who tried by every means to make their complaints be inquired into by the Crown. A commission was granted to Sir John Maitland, the Chancellor, Sir Lewis Bellenden, Justice-Clerk, and Sir Patrick Bannatyne, for this purpose.†

In 1569, Sir Robert Stuart, under burden of a certain annual payment to himself, exchanged the Abbey of Holyrood with Adam Bothwell, who had

* Maitland's "History of Edinburgh," B I, chap. ii. 23.

† Charters of Holyrood, 35.

been appointed Bishop of Orkney. Sir Robert's lands in Orkney were, in the year 1581, erected into an earldom, and he was created an earl, under the title of Earl of Orkney. His eldest son, Patrick, who afterwards succeeded as second earl, married the widow of Sir Lewis Bellenden of Broughton, after noticed, but had no issue. He also committed great oppressions in Orkney, and was tried at Edinburgh, in 1614, for treason, and beheaded.



CHAPTER IV.

Continuation of Sketch of the Lives of the Superiors or Barons of Broughton—Adam Bothwell, the Bishop of Orkney—John Bothwell, &c.

ADAM BOTHWELL, the succeeding Abbott or Commendator of Holyrood and Superior of Broughton, was a younger brother of Sir Richard Bothwell, Provost of Edinburgh in the reign of Queen Mary, and second son of Sir Francis Bothwell, a Lord of Session in the reign of James the Fifth. He married, and had four sons—John, Francis, William, and George, and a daughter named Ann.

Adam Bothwell, Bishop of Orkney, was one of the four bishops who took part with the Reformers. In 1567, his name appears at the bond, obtained by Bothwell from certain of the nobility, on the 20th of April of that year, declaring him to be free of the murder of Darnley. The banns of the marriage between Queen Mary and Bothwell were commanded to be published; and Craig, who was at the time one of the ministers of Edinburgh, was ordered to do this; but, in doing so, protested against it. The marriage took place on the 15th of May following; the Bishop of Orkney officiating. It was celebrated in the great hall of Holyrood Palace, in the morning, according to the rites of the Protestant church, and afterwards in accordance with that of the Roman Catholic.

To whatever circumstances Bothwell attained his

influence over Queen Mary, it is recorded of him, that he was a polished and accomplished man, ambitious, brave, yet rash and hazardous. From his residence for sometime at the Court of France, he must, in the Queen's estimation, have appeared at decided advantage over the greater number of the Scotch nobles who attended at her own court. He was in his thirtieth year when the marriage to the Queen took place. It is most remarkable, and almost unaccountable, how so many of "the first men of the country signed the document in his favour, freeing him of complicity in the murder of Darnley, pledging themselves to support him, and recommending the Queen to receive him as her husband, on account of his distinguished services, and good qualities, and behaviour."

Dissatisfied with the Queen's and Bothwell's conduct—who had meanwhile been created Duke of Orkney—an association of a number of the nobles was formed in opposition to those who supported the Queen, which confederacy the Bishop joined. A civil contest thereupon ensued between the parties—the one being called the Queen's, and the other the Confederates. Both armies met at Carberry Hill, near Musselburgh. Bothwell was desirous of relieving "the Queen from a position which gave him great pain, and also to prevent bloodshed,"* and was willing to enter in gage of battle with any of the Confederate Lords. The Queen forbade the combat. A conference resulted in the Queen surrendering to the Confederates; her imprisonment shortly afterwards in Lochleven Castle; escape; engagement at

* Burton's History, vol. iv. 411

Langside ; flight into England, and subsequent execution there, by her enemy and rival, Queen Elizabeth.

Bothwell—for whom the unfortunate Queen had risked so much, and owing to her steadfast attachment to whom the cause of her ultimate ruin may be ascribed—after taking farewell of her at Carberry, where they parted, “as we are told, like fond lovers with many kisses and much sorrow on her part,”* left the place from whence he had been, as agreed on, allowed “to pass from the field” by the Confederates, with a few followers of his once princely retinue, and went to Dunbar, one of his own strongholds, and shortly afterwards sailed to Orkney, to which place the Regent sent some ships to capture him, but from whom he escaped.

The Bishop of Orkney again appears on the scene, taking a prominent part against another of his former friends and associates. He accompanied Kirkaldy of Grange in the pursuit of Bothwell. The vessel in which he was, struck upon a sand-bank, and the crew betook themselves to their own boat. The bishop was among the last to leave the ship, and seeing the boat “loosing,” called on them to stay for him; but they being already sufficiently laden, would not hear him, or were apparently indifferent for his safety. He, seeing no other remedy, leapt into the boat, “having on him a corselet of proof, which was thought a strange leap, especially as not to have overturned the boat.”†

Bothwell, on his escaping from the pursuit of the Bishop’s party sailed to Norway ; and, according to the

* Burton’s History, vol. iv. 414.

† History of King James the Sixth, 9.

same authority,* "with some fyne ships, as Admiral of Scotland, conducted by gude captins, they chanced to espy a fair ship of Turkie, then lying at ancor upoun that coast, within the dominions of the King of Denmarc, whilk ship he seasit upoun and maid a praye thereof. But the captin of the nearest town seeing that ship taken away whilk ance had maid obedience within the seas of his prince, directed out twa great ships to relieve her frae the handis of her enemies, and the invasion being great for that part of Norway, Bothwell was compelled to give over and so was led presiner, his captins and mariners havili tormented, and himself committed to siker preason wharfra he was never freed to the death."

The above account of the termination of Bothwell's career has been generally credited up to within the last few years. It would appear, however, from an eminent author and historian,† who, after discussing the question of the guilt or innocence of Queen Mary in the murder of Darnley, "in winding up the tragic story," gives a different account of the fate of Bothwell, whom he terms—"the remorseless villain of the plot who had bent a finer nature than his own to his evil purposes"—states that Bothwell escaped from Orkney by purchasing a vessel which had belonged to a pirate of the name of David Wodt, in which he sailed to Denmark, when it was taken possession of by a Danish ship, and Bothwell found in command. An investigation took place into his strange story of being a king in difficulties, the result of which was his liberation. He became popular, and obtained a footing in society there. Many demands were made

* History of King James the Sixth, 20.

† John Hill Burton, Esq.

for his extradition, both by England and Scotland, but they were resisted by the Danish Government, though they offered to try him before their own courts and under their own laws. He seems to have led an intemperate life. The most extraordinary part of his latter history, however, is, that he was afterwards claimed by one Anna Trandson, daughter of a Danish subject, as her husband; her statement being that she was his first wife, whom he had deserted in Scotland. On that charge, it is said, that he was nominally imprisoned in the castle of Malmoe, afterwards in that of Draxholm, where he died, in 1577, and was buried in the church of Farveile. He left a remarkable paper, in which he confessed to sins and crimes not charged against him, but maintained Queen Mary's innocence, and also his own as to Darnley's murder; and stated that he owed his influence over her to the use of philters and sweet waters.

The Regent Murray, having obtained the custody of the infant Prince, afterwards James the Sixth, he was crowned by the Bishop of Orkney at Stirling, on 29th July, 1567—Queen Mary at that time being confined as a prisoner in Lochleven Castle. After her flight into England, the Bishop, in 1568, went to York, as one of the commissioners employed by the Regent, to conduct the prosecution against his former benefactress and Queen, and gave in to the English Council the documents accusing her of complicity in the murder of Darnley.

Although the Bishop thus took an active part in the proceedings against his former friends, his services, as is generally the case, did not render him free from the attacks of those whom he may have considered

his supporters, for we find that complaints were made against him to the General Assembly of the Kirk of Scotland, and numerous charges, such as—simoniacally exchanging the Bishopric for Holyrood; retaining his title, and using the style of Reverend Father in God; ceasing from preaching, and accepting a place as a Lord of Session. He gave in answers to these, and Knox, Craig, and Lindsay, ministers, were, in 1570 appointed “to try his answers,” as it was then termed. By sentence of the Assembly, he was suspended from his ministerial office; but having expressed contrition for the charge laid against him for solemnizing the marriage between the Queen and Bothwell, he was ordered “to confess” his fault, at the end of his sermon, in the Kirk of Holyrood.

In 1581, he resigned the office of Commendator of the Abbey, in favour of his son John Bothwell; and, in 1587, surrendered the Barony of Broughton and others to the Crown, in favour of Sir Lewis Bellenden. The King, at sametime, ratified the disposition made by the bishop in favour of his son to certain of the temporalities belonging to Holyrood Abbey; and the Barony and Burgh of Regality of Broughton was again specially exempted from the act annexing the temporalities of benefices to the crown, referred to in chapter III. By this arrangement the greater portion of the lands in the Barony were now completely taken out of the nominal possession of the Church, and, in terms of the grant to Sir Lewis Bellenden, made to hold directly from the Crown.

The Bishop died on 23rd August, 1593, and was interred at Holyrood. His epitaph, engraven upon stone, is on the second pillar, on the south side. The inscription and epitaph is as follows, and which we

give here, as a fair specimen of the style of that age :—

Here lies interred
A most noble man, Lord Adam Bothwell,
Bishop of Orkney and Zetland ;
Commendator of the Monastery of Holycross ;
Senator of the College of Justice ;
And one of the Lords of his Majesty's Privy Council ;
Who died in the 67 year of his age,
23 day of the month of August, in the year of our Lord, 1593.

E P I T A P H.

Thy praise is triple sure, thyself, thy sire,
Thy sons all senators, which men admire ;
The staggering State by thee was quickly stayed ;
The troubled Church from thee got present aid ;
Thou lived at thy wish, thy good old age,
In wealth and honours took you off the stage ;
Thine aged corpse interred, here now lies ;
Thy virtues great forbid your name to die.
Go, happy soul, and in thy last repose,
Vanquish thou death, and all its fatal blows.
Thy fragrant fame shall thus eternal be,
Unto thy countrie and all posteritie.

The Bishop of Orkney's house was situated at the foot of Byers Close, in the Lawnmarket, and for a description of it we here quote an account from Wilson's "Memorials of Edinburgh," showing the state in which it was at the period of his work—1848 :—
"A doorway on the east side of the close affords access to a handsome, though now ruinous, stone stair, guarded by a neatly carved balustrade, and leading to a garden terrace, on which stands a very beautiful old mansion, that yields in interest to none of the ancient private buildings of the capital. It presents a semi-hexagonal front to the north, each of the sides of which is surmounted by a richly carved dormer

window, bearing inscriptions boldly cut out in large Roman letters, though now partly defaced. That over the north window is "Nihil est ex omnia parte Beatum." The windows along the east side appear to have been originally similarly adorned; two of the carved tops are built into an outhouse below, on one of which is the inscription "Laus ubique deo," and on the other, "Feliciter in felix."*

At the foot of Sellers Close, in the same locality, there was a tenement, with two terraced roofs, one of which was flat-faced with three lettered stones. Oliver Cromwell resided there in 1650, and used to sit on the balcony, which afterwards went by the name of the "Cromwell Bartizan." The guard-house was in the neighbouring alley, called Dunbars Close.

A portion of the Bishop's house, showing two or three of the ornamented windows, is still extant; the former garden is now partly a play-ground attached to a school there. What with new buildings, and alterations on old ones, even since 1848, the appearance of the houses in that quarter have completely changed; while others, inhabited at one time by families famous in the annals of Scottish history, have disappeared altogether, to make way for buildings adapted to the demands of a different class of tenants. The proprietors of the Bank of Scotland, who had bought up a large portion of the properties in that locality, are now in course of erecting additions to their premises, and making other improvements.

As already mentioned, the Bishop of Orkney resigned the office of Commendator of the Abbacy of Holyrood and certain of its revenues, including the

* Wilson's "Memorials of Edinburgh," ii. 6.

lands of Dunrod, Allhamer, and Whitekirk, in favour of his son, John Bothwell, who obtained a charter thereto, under the Great Seal, on 24th February, 1581.

John Bothwell was made a Lord of Session in 1593, on the death of his father; the letter of recommendation bearing that he had, "been brocht up fra his youth in learning and studying of the laws, and hes attenit to ane reasounable understanding in letters and maist habile for the said place." In 1603, he accompanied King James to England, on his accession to the throne of that kingdom, and on the journey had the honour to receive the keys of the town of Berwick on behalf of his royal master. He was one of the Commissioners of Parliament in 1604; and in 1606, an Act of the King and Parliament was passed, wherein, after honourable mention of his services as well in Privy Council and Session, "as in sundrie other great weichtie and honourable services," the temporalities and spirituality of Holyrood-house were ordained to be erected into a free barony and estate of a lordship; and, accordingly, in 1607, the lands of Dunrod, and others before mentioned, with the monastery of Holyrood-house, were erected into a lordship, and he created a peer, by the title of Lord Holyrood-house. He died in November, 1609, without leaving any heirs male.

It will be observed that the Bishop of Orkney was one of the Senators of the College of Justice, and one of the charges against him "by the Kirk," was his accepting such a post. As his son John, and the next succeeding Baron or Superior of Broughton, were also senators, it may be well to explain how the College of Justice was then constituted.

When, in 1532, it was first established, fourteen persons were appointed as judges, one half of them being termed spiritual lords (such as the Bishop was), and the other half temporal, like those of the present day; these, with a President and a Chancellor formed the Court.

The Crown had also the power of nominating others, called Extraordinary Lords, which power was often abused; but none were appointed after 1762. These had no salaries. Ministers of the gospel, some even in possession of charges, could in former days be nominated; but, in 1584, an act was passed prohibiting any such being confirmed. One of the judges, Mr. Pont, Minister of St. Cuthberts, was thereby disqualified. The judges could also resign in favour of any one they might name, which nomination was generally approved of by the Crown. This continued down to 1640, when none but temporal judges were allowed to be appointed. During the years 1650 to 1651, commissioners were appointed by Cromwell; but, on the Restoration, the judges sat as formerly. Advocates, or principal Clerks of Session, are now the only parties who can be appointed; and the College of Justice at present consists of thirteen judges, including a President and Lord Justice-Clerk.



CHAPTER V.

How the Barony of Broughton came into the possession of the Bellendens—Sketch of the Lives of the Barons continued.

IN explaining the circumstances under which the Barony of Broughton came into the possession of the Bellendens, as stated in the preceding chapter, it will so far suffice for our purpose, as giving one version of the transactions of the period in regard to the acquisition of properties which formerly belonged to the Church of Rome, to quote a paragraph from Wodrow's "Biographical Recollections." In the collection upon the life of Mr. Robert Pont, the minister of St. Cuthberts Kirk, it is stated, "that it was in this Parliament, 1587, the temporalities of the benefices was annexed to the Crown, upon pretext of bettering the patrimony thereof, and that the king might have means to bear forth the honour of his estate, and not burden his subjects with taxation for his support. By this means all was begged away and a greater burden brought on the Crown than ever. The Chancellor, who was the chief leader in the business carried the Lordship of Musselburgh, that held of Dunfermline; for his part, Sir James Bellenden, Lord Justice-Clerk, got the Barony of Broughton, which was part of Holyrood-house, &c."*

The charter in favour of Sir Lewis Bellenden, how-

* Wodrow, i. 188.

ever, states the matter in a different light. It was granted under the the Great Seal, by King James the Sixth, is dated 28th July, 1587, and bears, "That because the monastick superstitions by the law of Scotland being abolished, the monasteries and convents were not necessary, and for the most part demolished. In respect whereof, and that Sir John (Bellenden) Ballantine, Justice-Clerk for the time, and father to the said Sir Ludovick Ballantine of Auchnoul, had been a good and thankful servant to his Majesty's mother and him, in all their affairs, and that he, the said Sir Ludovick, for many years before and thereafter, had been occupied in his Majesty's ordinary service, upon his own proper charges and expenses. And that it was known to his Majesty that the heritable office of Bailliary of the lands, baronies, and others therein mentioned, did, in a great part, belong to his said father, anent the commendatory and convent of the monastery of Holycross, near Edinburgh, pertaining to the said Sir Ludovick, had resigned and demitted the said commendatory and convent, in his Majesty's hands, with all right he had thereto, for great sums of money paid by him to his Majesty's treasurer, in name of composition; therefore, his Majesty gives and grants to the said Sir Ludovick Ballantine, his heirs male, and assignees whatsoever, all and haill, the said lands and Baronies of Broughton, Abbotskers, Quhitekirk, Burgh of Canongate, with the superiority of Quhite Insch, and haill other towns lands and annual rents, and others particularly, above mentioned; to be holden of his Majesty and his successors, in free heritage and free barony for ever, for yearly payment of the sum of two hundred pounds, Scots money, at two terms in the year, Whitsunday and Martinmas, by

equal portions, *una cum servitio unius equitis aurati*; in name of blench farm, yearly; containing an erection into a barony, to be called in all time coming; the Barony of Broughton; ordaining the Manor of Canon-mills, to be the messuage of the said barony; and a sasine to be taken thereat, to be sufficient for the haill lands, and others above mentioned.

In the Procuratory of Registration, the various possessions are fully described as well as those of the Barony of Abbotskers, and others, which also belonged to Sir Lewis Bellenden. It narrates in the above "the Burgh of Regality and town called the Cannongate, situat betwixt the Burgh of Edinburgh and the Abbay of Holyrood-house; and that part of the town of Leith that lyes and is situat on the north side of the Water and Bridge of Leith; together with that part of the town of Leith lying upon the south-side of the said water which pertained to the Commendator and Convent of Holyrood-house of before, and that lyes bewest the Black Vaultes, with the haill bounds, lands, tenements, houses, yeards, orchyeards, tails, kilns, barns, and all other bigings within the same, feu mails, burrow mails, and other duties whatsoever, or any part therof, with all right, claim of fishing, port and haven customes, teynd duties, and other priviledges therof whatsoever that by any manner of way pertained to the said Commendator or Convent of Holyrood-house of before lying within the Regality and Barrony of Broughtoun principal; and also All and Haill the Barrony and Regality of Brughtoun and haill remanent lands thereof and thereto annexed particularly after following:—To witt, the town and lands of Broughtoun; the lands called the Waulkmiln lands and Battlehaugh; the lands of Wright's

Land ; the lands called Godsbairn's croft ; the lands of Harlaw and Babour lands ; the town and lands of Saughtoun, with the miln of Saughton Milns and mul-tures therof called Stenhopemiln ; the lands called the Plewlands of Saughtoun, and the lands called the Secretaries' lands, lying within the territory of Saugh-ton ; the lands of Pendrick ; the lands of Friertoun ; the lands of Backspittle ; the lands of Forespittle ; the lands of Lochflatt ; the lands of Meldrumsheugh ; the lands of Cotts ; the lands of Lochbank, alias Hacker-stoun's croft ; the lands of Quhitecroft ; the lands of Ferguson's croft ; the lands of Warristoun ; the lands of Bonningtoun ; the lands of Hillhousefield ; the lands of Pilrig ; the lands of Flewers ; the lands of Ironside ; the lands called St. Leonards ; the lands of Dearnenough alias Pleasance ; the lands of Dishing-flatt, Meadowflatt, and Miln, called Cannemilns, with the milns, houses, biggings, and sucken of the same, pertaining to the said Sir Lewis heritably, lying within the Shereffdom of Edinr. principal."

Sir Lewis Bellenden held in property, the lands of Littlefalside, in Haddingtonshire ; Slipperfield, Mid-dlethird, and Lochthird, in Peebleshire ; and other lands lying within the Burgh of Linlithgow. These were also incorporated in the Barony and Regality of Broughton, thus extending its jurisdiction into several counties.



CHAPTER VI.

Nature of the old Feudal Jurisdictions and Powers of the Barons—
Sir Lewis Bellenden, Baron of Broughton—Sketch of his Life, &c.

UNDER the old feudal system the Barons had most extensive powers as judges, within the bounds of their own barony. Some of them had the power of life and death, or, as it was termed, of "Pit and gallows"—so called from the manner in which the criminals were executed—hanging the men upon a gibbet or gallows, and drowning the women in a pit, or burning them, as it was not thought, in the olden times, "decent" to hang them.

By a system of what was designated "repledging," the lord superior or baron could claim his vassal, and try him before his own tribunal; and, on the other hand, when it suited his purpose, he often gave offenders protection, and screened them from the officers of justice, when the State itself acted as prosecutor. Mutual benefits were thus afforded to superior and vassal, and both resisted any attempt of the State to lessen the privileges held by the former, although king after king endeavoured to abridge these powers, but without much success. It was only after the Reformation that any great reduction was effected. In 1748, the power of repledging was altogether abolished, and the judicial powers of the barons very much restricted.

The origin of "repledging" took place in early


times, from a pledge or surety given by the baron to try the criminal at his own court, within a specified time ; and the barons had right to exercise the power to repledge from the Crown as well as other courts. The person vested by the State with the right to a barony and burgh of regality, had much higher powers than those who held a barony merely, both in regard to civil as well as criminal cases, as he could try cases of murder, robbery, rape, and wilful fire-raising, which were termed the four pleas of the Crown. The Crown occasionally granted to individuals a right of jurisdiction, such as the office of heritable sheriff, without relation to land property, the title being personal, but territorial in regard to its exercise.

The inhabitants of burghs of barony and regality had also special privileges granted them in the way of trading, while those resident in royal burghs had still more extensive rights ; the different trades or corporations having charters or grants, and no one allowed to practice a trade or business without first becoming a member. Any one now may carry on a trade without the fear of being interdicted—compelled to pay fees or entry-money, and give “tests” of fitness for the particular business. There are a few incorporations having funds so invested as to allow annuities and other payments to members ; and when a new member joins—generally restricted to a son or son-in-law of a former member—“tests” of qualification are still exacted.

In terms of the charter before narrated, Sir Ludovick or Lewis Bellenden, who was now Baron of Broughton, had the power of appointing bailies, and holding courts within the limits of the barony, where persons

who had committed offences were subject to be tried. He could also judge in cases of a civil nature. Sir Lewis was likewise Superior of the Burgh of Canongate, and held the heritable office of Bailie. He was the eldest son of Sir John Bellenden of Auchnoul, who was a Lord of Session, and latterly Justice-Clerk, and had taken a leading part in public affairs, though apparently not very particular as to the means by which he gained his possessions, for it is stated that he acquired one of these, that of Woodhouselee, from the owner, Hamilton of Bothwellhaugh, on a promise to procure that individual a remission for having been engaged on the Queen's side at the battle of Langside; while another account says, that he got the estate from the Regent Murray as a gift. There seem to be no doubt, however, of the circumstances which occurred on his taking possession of it. In doing so he turned Hamilton's wife out of the house, in a state of nudity, in the dead of winter, in consequence of which treatment she became insane; and the Regent having refused to give restitution of the estate held by Bellenden, Hamilton was so exasperated, that he afterwards assassinated the Regent at Linlithgow. Sir John, and his brother Sir Patrick Bellenden of Stanelaws, were also participators in the murder of David Rizzio. In May, 1566, Sir John was permitted to come to Edinburgh, and appear before the Secret Council, to "purge himself of airt and pairt, counsail or assistance, in the slaughter of Davie," which he did, and was "fund clene of the sayme."

Sir Lewis Bellenden succeeded his father as Justice-Clerk. He also was a prominent leader in the conspiracies of the time, and was one of those engaged in



the Raid of Ruthven, in 1582; but did not appear to have suffered like some others of his co-conspirators, as he was very shortly afterwards promoted to the place of Sir Richard Maitland of Lethington. He was for some time resident at the court of Queen Elizabeth, as ambassador for King James the Sixth, and was gained over by that Queen to press the complaint against Queen Mary for her complicity in the murder of Darnley.

On his return to Scotland, to the court of King James, he was accompanied by Sir Edward Wooton—the envoy from the English to the Scotch Court—who, along with Bellenden, had been induced to aid Queen Elizabeth in endeavouring to promote an alliance in defence of the Reformed religion in Scotland.

Bellenden was a great favourite; and, along with the Master of Gray and Sir John Maitland, had powerful influence over the King. He was also one of the principals in carrying out the downfall of Arran, who held the office of Lord Chancellor.

In 1589, he accompanied King James to Denmark, when the King was married to the Princess Anne, the second daughter of the King of that country. A curious account of the King's voyage to Denmark is given by an old chronicler,* in the following words:—"In the moneth of August, of the next year—1589—Queyne Anne, doghter to Frederic, King of Denmarc, was mariet in Denmarc to King James the Sixth of Scotland, be his ambassador, the Erle Marischal, who was directit thair for that effect. In the end of that yeir the tempest of storme,

* History of King James the Sixth, 240.

bayth be sea and land, was sae vehement that many ships pereshit upoun the sea, sae that the passage for Queyne Anne was veri difficult to cum in Scotland, and the King abayed daylie fra the moneth of August luiking for hir arryvall, while at last upoun the 22d day of October, without lang deliberatioun, he embarkit himself with his Chancellor Maitland, and certayne uthers of his officers and courteurs, at the Port of Leyth, and saillit to Opslo, whare Queyne Anne was attending upoun fayre wether, and litill luiking for his Majestie's cuming to hir at sik a tempestuous tyme of the yeir, whar he abaid a certayne short season, and then he past in Denmarc, and returnit not in Scotland till the moneth of Mai in the next yeir."

Bellenden arrived with the King and his Queen Consort at Leith.

Sir Lewis, like his royal master, was a believer in the occult practices of persons at that time called sorcerers or wizards; and it is recorded of him, that the primary cause of his death was "fright," which took place under the following circumstances: He had consulted a noted wizard, called Richie Graham, who, among other things, professed he could raise the devil—that is, to make him appear when called upon; and Sir Lewis having desired Richie to make his satanic majesty appear, and he apparently having done so, the sight had "so terrified him, that he took sickness and died."* This occurred in the autumn of 1591.

The Richie Graham here mentioned was afterwards tried as a sorcerer, having, along with some others,

* Sir John Scott's "Staggering State of Scottish Statesmen," 131.



been charged with the crime of raising storms to retard the Queen's arrival from Denmark. He "confessed" to the truth of the charge; was convicted on his own confession, and, along with the others, burnt at the Cross of Edinburgh.

Sir Lewis Bellenden was succeeded by his son James, who married Margaret, daughter of Sir William Ker of Cesford, sister of the first Earl of Roxburgh. He had a son called William, and a daughter named Margaret.

He died on 3d November, 1606.

His son, Sir William Bellenden, was a minor when he succeeded to the baronetcy and estates, and became Baron of Broughton. He was placed under the guardianship of his mother, Lady Bellenden, and his uncle, the Earl of Roxburgh.

Some disputes seems to have occurred between Sir William Bellenden and the magistrates of the Canon-gate, as to the extent of his rights as heritable Bailie of that burgh; and to so great a length did the controversy assume, that the King himself was appealed to, and, by a document styled a signature, dated 15th June, 1620, he held "that Sir William Bellenden had nae right to the property of the said burgh, in hail or in part, but that the same having been constructed and biggit by the inhabitants and their predecessors, they had peaceably brukett and joyed the same past memory of man, by yearly electing their bailies, council, clerk of burgh, sergeants, and officers, making of freemen crafts, deacons of crafts, setting down of laws, and constitution for government of the said burgh, keeping of courts, directing of brieves, and the same yearly authorised by the said Sir William and his predecessors, so renounces and discharges in favor

of the said inhabitants, the said action of improbation, and all other action that may be called in question, or their rights quarrelled or impugned in any time hereafter, &c. ; and presently declares the said burgh of the Canogait to be a free Burgh of Regality, and that the property and jurisdiction thereof, properly pertains to the inhabitants thereof, and na uthers ; and the superiority only to the said Sir William Bellenden and his heirs, and, therefore, the said burgh, with the haill jurisdiction thereof, shall be freely bruiked by the said inhabitants and their successors, in plain property, as a free Burgh of Regality, but without prejudice of the superiority, with the haill liberties and privileges thereof." *

In 1623, Sir William, with consent of his guardians, borrowed a sum of 3,000 merks *Scots from George Heriot, the founder of Heriot's Hospital, and in security assigned the lands of Dischingflatt, Meadowflatt, Mills of Canonmills, and some other portions of land in the Barony of Broughton.

Sir William Bellenden was an adherent of Charles the First, and his Treasurer-depute, and was afterwards created a peer under the title of Lord Bellenden of Broughton. He held the office of a Privy Councillor during that King's reign, and also under Charles the Second.

In 1665, during the "great and stirring events" which occurred in the history of the Church, when all manner of cruelties and oppressions were perpetrated, a curious licence was granted by him, "as Depute-Treasurer of the kingdom of Scotland," to Sir James Lumsdaine of Innergellie, whereby he gave "libertie

* Municipal Corporations in Scotland, vol. i. 324.

and licence to him, with his familie, and servants, and such as shall happen to accompanie him at table to eat flesh in the forbidden tyme of Lent, and in all other forbidden days, until Lent next ensuing, in the year 1666, without any impediment, danger, or penaltie to be incurred by them, or others for the same, notwithstanding of ane Act or Acts of Parliament made or to be made in the contrarie. Given at Edinburgh, the Fourteenth day of February, 1665. (Signed) BELLENDEN."*

Lord Bellenden had been twice married, but left no male issue. He adopted a son of the second Earl of Roxburgh; and, on the death of the fourth Duke of Roxburgh, in 1805, without issue, the title of Lord Bellenden became extinct. Several claimants appeared and contested their various claims to the title of Duke of Roxburgh, and, after a long and noted litigation, it was held that the present holders of the title were the nearest.

* Lamont's "Diary," 217.



CHAPTER VII.

Continuation of Sketch of the Barons of Broughton—The Earl of Roxburgh—History of George Heriot's Hospital—The Governors of Heriot's Hospital now Barons or Superiors of Broughton.

IN 1627, the Earl of Roxburgh, from his propinquity to the former Baron, or otherwise, had acquired the remaining portions of the lands and superiorities of the Barony, obtained a charter thereto, and thus became the the Baron of Broughton.

He was created a peer, by the title of Lord Roxburgh, in 1602,* on the occasion of the baptism of Prince Charles; and, in 1603, accompanied King James the Sixth into England, on his accession to the English throne; and was one of the commissioners for the union between Scotland and England, as appointed by Parliament, in 1604. He was created Earl of Roxburgh in 1616.

A great number of charters, under the Great Seal, were granted to him, particularly that of the Burgh of Canongate, which was united with the Barony of Broughton, on 15th August, 1630,† when he obtained the charter from King Charles the First, by whom he was appointed Keeper of the Privy Seal, in 1637. He and the Earl of Traquair‡ took part with the King in endeavouring to enforce the proclamation enjoin-

* History of King James, 377.

† Douglas' "Peerage," B. ii. 447.

‡ M'Crie's "Sketches of Church History," i. 208.

ing obedience to the Service-book and Archbishop Laud's Liturgy, the attempt to enforce which resulted in the Solemn League and Covenant, and the civil war in Scotland. On the breaking out of that contest, the Earl, in 1639, joined the King, but was, in 1649, deprived by Parliament of his office of Keeper of the Privy Seal, in consequence of his supporting the attempt to rescue the King from the hands of the Parliamentary leaders.

The Earl died on the 18th of January of the following year, a few months after the execution of his king and patron, Charles the First.

In the Act of Parliament of Charles the First, May, 1634, approving of the Act of 1587, annexing the temporalities of benefices to the Crown, there is a clause by which it is specially "declared, decerned, and ordained, that the lands and Baronie of Broughton, comprehending the town-lands in the Baronie, mills and others mentioned in the infestment, granted by his Majestie, under his Highnesses Great Seal, to his Highnesses right trustie cousin and councillor, Robert, Earl of Roxburgh, of the date of , 1630 years, shall not be comprehended herein, excluding the same utterly therefrom, to remain with the said earl, his heirs and successors, after the form and tenor of the infestments made to him and his authors of the same."

A few years after having acquired the Barony of Broughton, the Earl sold the lands and superiorities to King Charles, but the money not being forthcoming, they were reconveyed. The King was at this time a debtor to George Heriot's estate in the sum of £8,300, and several attempts had been unsuccessfully made by the governors to obtain payment from the

King, and also from the Earl, of the debt due under the bond granted by Sir William Bellenden, in 1623, and for which they held in security the lands previously mentioned.

An arrangement was then come to, whereby the King and the Earl of Roxburgh agreed to convey the whole superiorities and remaining lands in the Barony to the Governors, on a discharge being given for the debt due by the King and Earl, and on payment of a sum of £10,000, to be divided equally between the King and him.

At the same time, the superiorities of the Burgh of Canongate, North Leith, and Pleasance, were, with the consent of Lady Broughton, and in terms of the arrangement made between the Governors of Heriot's Trust and the city, conveyed to the latter for a small sum. The arrangement between the King, Earl, and Governors was carried into effect, and afterwards ratified by Parliament, in 1636.

The Governors under Heriot's Trust had, at sundry periods anterior to this, purchased various properties situated in the Barony and its immediate neighbourhood.

Although the History of Heriot's Hospital and its founder are generally well known, yet from the fact of the Governors of that institution having become the proprietors of the Barony of Broughton, and exercised all the rights held by the former barons, we think that it would not be altogether out of place to give a summary of the life of George Heriot, and the nature of the trust conferred by him upon the city of Edinburgh, and this chiefly for the sake of connection, at same time in as concise and short a manner as possible.

George Heriot was the son of George Heriot, a goldsmith in Edinburgh. He became apprentice to, and learned the business with his father, who was one of the most influential citizens of Edinburgh during the time of James the Sixth. George Heriot acted as a private banker to the King, by advancing money to him on the security of the Crown jewels, whenever he was in want of money, which, like some of the potentates of the present day, was often the case with the "modern Solomon." Heriot was appointed goldsmith to Anne of Denmark, Consort of the King; and he subsequently held that office, as well as the one of jeweller. The King and Queen often obtained assistance from him in their pecuniary difficulties; and to their patronage, it is said, he was greatly indebted for the acquisition of his fortune. After James the Sixth ascended the English throne, Heriot followed him to London, and carried on business there, where he died, in 1634.

In his settlement, after providing for his nearest relatives and friends, he left the residue of his whole estate to the Lord Provost, Bailies, Town-Council, and Ministers of the Established Church in Edinburgh, as trustees or governors, for the purpose of founding and erecting an hospital for the maintenance, relief, bringing up, and educating poor, fatherless boys, the sons of freemen of the town of Edinburgh. The governors immediately took measures for carrying out the intentions of the donor.

The hospital, which is situated in Lauriston, was commenced to be built in 1628, but not made use of for the purposes intended till 1659, having been taken possession of by Oliver Cromwell, and sometime used as quarters for his sick and wounded soldiers. Crom-

well even attempted to claim right to it and its income, on the ground that Heriot had been a naturalized Englishman.

It is one of the most useful and highly appreciated charitable institutions in Edinburgh. Though founded for the relief of poor fatherless boys, sons of freemen of Edinburgh, its benefits have not been entirely confined to that class. Its surplus revenue was, about thirty years ago, devoted to the erection and maintenance of out-door free schools; and, since that period, the governors have been enabled to erect and maintain a number of these, situated principally in the poorest districts of the city.*

The suggestion to devote the surplus funds in this manner was, it is said, first made by the late Dr. Macfarlane, long a governor and magistrate of the city; and the idea was afterwards carried out by the governors, who were much aided in their object by the zealous assistance and advice of one of their number, Duncan M'Laren, Esq., sometime Lord Provost, and now one of the members of Parliament for the city.

The Governors of Heriot's Hospital had now acquired the superiorities, and a great portion of the lands situated in the Barony, and were, by their charter, entitled to exercise all the powers, and enjoy the rights and privileges, formerly possessed by the Bellendens and the Earl of Roxburgh, under the original grants by the Crown.

The superiorities of the Burgh of the Canongate, North Leith, and Pleasance, as before stated, were held by the city.

* *Vide* "History of Heriot's Hospital," by the late Dr. Steven.



CHAPTER VIII.

The Village of Broughton—Situation and Extent—Style of its
Buildings—Jail, &c.

HAVING thus given a summary of the lives of the Barons or Superiors of Broughton, down to the period when the superiorities and lands finally came by purchase into the possession of the Governors of Heriot's Hospital, we shall now proceed to notice the state of the village or "town" of the Barony itself, the seat of its Court of Justice, and a few of the more prominent events which occurred in connection with its history, previous to and since 1636, the date of its acquisition by the governors acting under Heriot's Trust.

The village of Broughton, from the very meagre accounts which we have been enabled to obtain of it, appears to have been situated principally to the north of what is now called Albany Street, and comprised within its limits the sites of the streets known as Broughton Place and Street, Barony Street, Old Broughton, and Albany Street.

The houses, with few exceptions, were two stories in height, though small, having outside stairs, thatched roofs, latterly tile, and crow-stepped gables, each cottage having a small plot of ground or kail-yard in front. They seemed to have been placed along both sides of a road or pathway running east and west—the greater number of the houses standing on the north side. Those on the south side of the road

apparently had been more detached—spread between the pathway and what now forms the site of Albany Street, and up to York Place.

There were also a number of houses running from north to south at the west end of the village, forming, as it were, the side of a square. These were afterwards cut through, when Broughton Market was made. A few of the houses may still be seen there, but they are now modernised, while some fragments of the walls of others, to the east and west of these, remain at the present time.

In the same quarter there was a court or square, containing buildings of a more modern and commodious character, which would have been considered mansions a hundred years ago, as from the style of building of those remaining, they must at that time have been occupied as separate dwellings. They are now, however, either removed, or, with one or two exceptions, divided into separate flats, and let to different tenants as houses, or converted into workshops.

A path led from the square down and through what is now London Street to Canonmills.

The house presently occupied by Mr. Butti is a tenement of three flats or storeys, with a garden in front, and was at one time occupied by a Mr. Hogg, a merchant in Edinburgh, as his country house. It was, some years afterwards, tenanted by Mr. Shennan, wright (the father of the late Dean of Guild), who occupied it for some time as a dwelling-house, the workshops being opposite. Another of the larger houses in the same locality was occupied by a Mr. Somers, a well-known hotel-keeper in the Old Town of Edinburgh, afterwards in the New Town.

It was his country house ; and it is related that his cook, when returning to the house in Broughton from the city, where he had been drawing money for his employer, was waylaid in Broughton Loan—at that time a path through fields, leading from Moutrie's Hill to the village and Canonmills—stabbed to death, and robbed, and no trace of the murderer was ever found.

Betwixt the village and city of Edinburgh there were few buildings—the lands, generally, being either fields or uncultivated. The eminence on which St. James' Square is placed was known as Moutrie's or Moultrie's Hill—an exit from the city by what was termed the New Port (from Halkerston's Wynd, the first close east of the North Bridge, not then built)—led across the hollow to Moutrie's Hill. The site of the markets and coal depôt of the North British Railway Company were then the gardens and grounds inclosing the Trinity College Church and Hospital, taken down when the railway was formed, in 1845. These grounds or fields were called Lochbank, Broughton Parks, and Wood's Farm, the steading of the latter being situated at the west end of what is now Queen Street ; another termed Bearford Parks, was bounded on the south by the Lang Dykes, now Princes Street, and a sheet of water called the North Loch. A bog or marsh extended from the head of the loch to St. Cuthberts or West Kirk, the road to which, from the city, a hundred and thirty years ago, was by the Grassmarket, and round the base of the castle rock. Latterly, a road, called the Old Kirk Road led by the west of what was afterwards named Queen Street, down to the village of Stockbridge, thence by the Water of Leith towards Canonmills. Westwards,

again, lay the village of the Water of Leith, lands of Cottis, now Coates, &c.

The Governors of Heriot's Hospital had been feuing out their lands in the Barony, and had granted to various parties, portions extending from one to several acres, on which country houses had been erected, with gardens attached to them. An express condition had, however, been made with these feuars, that, in case the Royalty of the city of Edinburgh should at any time thereafter be extended, so as to comprehend these grounds, the heirs or proprietors for the time should be obliged to build on the ground, agreeably to the plan to be executed by the Town-council, and that the houses should be subject and liable to pay public burdens as well as the inhabitants of the city. So long, however, as these were used as country houses, they were to be free of certain taxes.

The governors sold to the city, when its extension was talked of, the property of Lochbank, acquired from Hepburn of Bearford, with whom they had a long litigation, in asserting their rights as Superiors of the Barony of Broughton, of which Lochbank formed a part—the streets called Princes Street, George Street, and some others northwards being originally part of that estate. In 1730 they had also sold upwards of five acres at the head of Broughton Loan, to the city, for behoof of the refugees who had fled from France on the revocation of the Edict of Nantes. A colony of these emigrants—silk weavers principally—had for some time attempted to cultivate mulberry trees there, and on the slopes of Moutrie's Hill, for the purpose of manufacturing silk, &c., but were unsuccessful, owing to the variable climate. The Board of Manufactures afterwards acquired the

ground ; and, in 1809, it was sub-feued and laid out for streets and buildings—one of these streets being called “ Picardy,” the name of the province from whence these refugees had come.

Much litigation and discussion took place as to the right of the governors to feu their lands, but the court held they were entitled to do so if they thought it expedient.

Northwards of the village of Broughton the lands were partly covered with trees ; a road led from the village to Canonmills by Bellevue to Newhaven, while another, by the Water of Leith, led westwards. In the centre of Drummond Place Gardens there stood a country-house, belonging to Mr. Drummond (sometime Provost of Edinburgh), who had feued upwards of seven acres of ground from the governors. The approach to the house was by an avenue—now the site of London Street—which entered from the road to Canonmills. General Scott, subsequently, on the site of the house, built the mansion of Bellevue, afterwards converted into the Custom-house, taken down about twenty years ago, when the Edinburgh Perth and Dundee Railway Company made the tunnel from Princes Street to Scotland Street Station.

Edinburgh, now considered as one of the finest and most interesting cities in the world, has attained that position in a great measure by the ultimate execution of the many improvements and additions devised by George Drummond when Provost, to which office he was elected no less than six times. He was the projector of the Royal Exchange, the scheme for the ‘ New Town,’ and the extension of the city southwards. The foundation-stone of the North Bridge


was laid by him, with Masonic honours, in 1763, during one of the periods he held office as Lord Provost. To him also we are principally indebted for the institution of the Royal Infirmary, and likewise several professorships in our University. He held the office of Provost in 1725, was again elected in 1746, 1750, 1754, 1758, and 1763. At Drummond Lodge, where he resided, open table was kept for strangers of any note visiting the city; and, from his conciliatory and agreeable manners and other good qualities, he was much esteemed. He died on 4th November, 1766, and is interred in the Canongate churchyard.* The tomb being on the left hand of the entrance to the grounds.

With the exception of a few scattered dwellings, some at Moutrie's Hill, afterwards noticed, there were none of any importance till after 1766.

Not far from Moutrie's Hill, and upon the site occupied by the Old Register House, stood a small cottage, where "curds and cream," and fruits in their season, were sold. This little comfortable place of entertainment was popularly called "Peace and Plenty," and was much resorted to by the citizens of Edinburgh on the Sunday evenings; and, as stated by Chambers, in his "Traditions of Edinburgh," was then considered "a good walk out of town."

A narrow lane or roadway, entering by what is known as West Register Street, led, in a sloping direction northwest, to the village of Silvermills. It was called Gabriel's Road, and for many years, according to the above authority, formed a pleasant pathway—passing as it did through fields—it was

* *Vide* Chambers' "Biographical Dictionary of Eminent Scotsmen."



also a favourite trysting-place for lovers. After the extension of the city, one or two of the buildings in that quarter were used as hotels or taverns, and were much frequented. One of these was called Gabriel's, and the other Ambrose's Tavern. Somer's Tavern was at the back of what is now the National Bank, then also a hotel. The Guildford was another favourite place of entertainment.

What is now York Place, was formerly part of Broughton Parks, on which "Hallow Fair" was held previous to being transferred to the Calton Hill. A burn called Broughton Burn ran through these parks. About seventy years ago, on the site of the Catholic Chapel, was a small house and garden, where fruits, &c., were sold; and there was also a nursery-ground. A footpath led across to what is now Greenside Street, on which there were then only one or two small houses. A man who resided in one of these kept the "crossing," which was generally a difficult task, from the nature of the ground. At the low ground there was a loch, which supplied a pond in a Mr. Allan's grounds, now Elm Row, &c. The main access to the Hill, at that time, was by the steep road at High Calton—the Regent Bridge not being built for several years afterwards. When "Bridewell" was erected, some of the men and women would come from that place to the loch or burn, and take away supplies of water, it being a scarce commodity at that time in Edinburgh. They generally did this early in the morning, sometimes between three and four o'clock.

On the east of Moutrie's Hill a road led into Broughton Loan, while another from Leith Wynd led by the Calton and Greenside, called the Western Road, to Leith—the old road to the latter place being

by the Canongate, Watergate, and thence by the Easter Road.

The lands of Pilrig, Bonnington, and Hillhousefield lay to the east, and, along with part of Leith itself were also comprised within the Barony and Regality of Broughton. These lands are still designated by the above names.

Half-way between Edinburgh and Leith was the "Gallow Lee," a rising ground on the summit of which stood a gallows, whereon, for many years, criminals were executed. Previous to the New Town being built, and when the grounds in the immediate vicinity were unoccupied, it could be seen from a great distance. The railway bridge now passes within a few yards of the hill ; and but lately a quantity of human bones and several pieces of chain were found in the sand, of which the hill is principally composed.

On the south-east side of the city of Edinburgh were the suburbs of the Pleasance, St. Leonards, and some other lands, also in the bounds of the Barony, but which, as previously stated, were, in 1636, along with the Superiority of the Canongate and part of Leith, acquired by the city of Edinburgh at the time the Governors of Heriot's Hospital purchased Broughton.

In the village of Broughton, near the centre of it, stood the Tolbooth or jail of the Barony. It apparently was erected about the year 1582, shortly before the date of the charter to Sir Lewis Bellenden, and while the Barony lands were held by the Bishop of Orkney. It was two storeys in height, having small grated windows ; a broad flight of steps led up to the doorway, which was placed in the centre of the building ; on each side of the doorway were placed a pair of stocks, wherein offenders were placed as a punish-

ment. In Scotland these were rarely used, though in England almost every village had them. The "Jougs" were the ordinary instruments by which sentences of a trivial nature were carried out.

When a person was sentenced to so many hours' confinement in the jougs, the form adopted in complying with the requirements of the law was by placing the joug round the neck of the culprit. It was a large thick iron collar affixed by a chain to a wall or pillar. On being placed round the neck it was fastened by a hasp or padlock, and the offender had to stand, secured in this manner, until the expiry of his sentence. Persons found guilty of committing breaches of church-discipline, after being "rebuked" by the Kirk-session, were frequently sentenced to confinement in the jougs. A joug may be seen attached to the gateway or entrance to Duddingstone Church.

Sometime previous to Barony Street being feued out, a number of the old dwellings were converted into workshops or entirely removed, and on the formation of the street the jail itself was taken down, in 1829, along with the greater part of the old houses then existing. A few remains of the jail, however, are still extant, in the shape of cellars in connection with the premises occupied as a tavern by Mr. Gifford, in Broughton Street.

It is said that at one time a building stood on the site of what is now Messrs. Sang and Barker's warehouse, formerly a church, and which tradition states to have been the "Court-house," or "Parliament-house" of the Barony, as it is termed by some of the old residents in the locality, but no accurate description of the building, if such ever existed, can now be obtained.

CHAPTER IX.

The Reformation in Scotland—State of Religious feeling of the multitude—Witchcraft—Punishments inflicted on persons accused of the crime—Broughton Village noted as a haunt of Witches—Cases, &c.

FOR a number of years after the Reformation, Scotland was peculiarly situated in regard to the state of the religious feelings of its inhabitants. In many places the gospel was preached with acceptance, and the people enjoyed the privilege of having faithful ministers. In other districts they remained in a state of ignorance and superstition, many being impressed with the belief that certain individuals had the power of holding intercourse with the spirits of evil, by practising what was termed the arts of necromancy, sorcery, and witchcraft—numerous persons openly stating that they had such powers, and thereby working on the credulity of their neighbours.

The belief in the powers of such persons was not only participated in by the mass of the common people, but was also general among the higher ranks, from the king downwards; and the cruelties inflicted on the persons condemned for committing such crimes, alike took place while Scotland was under Presbyterian and Prelatic forms of Church government.

Laws were passed against witchcraft—the penalty of conviction for such an offence being death. When persons were accused of witchcraft, they were almost

invariably put to the torture, to make them "confess," and the confessions thus made were used in evidence against them. The common forms of torture which were inflicted were being burnt with hot irons, the thumbs or legs pressed in vices, till they were often rendered a senseless mass; an iron boot, put on the limb of the accused, was gradually heated to a certain point, and afterwards allowed to cool—an operation repeated over and over again, continuing for days, as occasion, or rather the judges, required; suspended by the arms or legs, and heavy weights placed to them; pinched with hot iron pinchers, and such like "tests."

Under these tests the poor unfortunate criminals often "confessed" to the truth of the charges laid against them; sometimes, though rarely, no confession could be extorted. Either way, they were, by the assize or jury, condemned to be burnt at the stake, or drowned at high-water mark.

The charges made against persons apprehended as witches and wizards—the majority of those apprehended being women—were of a most extraordinary character. Some were charged with having renounced their Christian baptism, and having received the devil's mark on their bodies; engaged to serve him; causing persons with whom they were at variance, or when engaged to do so by others, to be afflicted with diseases; cattle to be tormented, and discontinue to yield milk, fall off in condition, or die suddenly; by using incantations cure persons of diseases, raise storms, and such like charges.

Another offence with which these parties were often charged, was that of forming effigies in wax of the persons whom they wished to destroy. The image

being formed, pins were then placed in the vital places of the figure, which was then put before a fire, with the intention of being gradually melted, the belief being, that as the image melted, the person represented would also waste away under the sickness which he or she might then be suffering.

There are several instances on record, in our criminal trials, of witches having been taken in the act of making these figures. It was generally the case that the persons represented occupied high stations in society, who, from their power or position, were rendered the object of the ill-will of these parties.

In the Antiquarian Museum of Edinburgh there are a number of small figures representing human beings laid in coffins, which were found in a crevice in one of the rocks at Arthur Seat, and are supposed to have been made to represent the wished-for deaths of the parties with whom the witches were at enmity. One curious circumstance in connection with these, is the fact that the figures so found were in various stages of decay, as if they had been placed near each other at considerable intervals of time.

It is stated of King James the Sixth that witchcraft engrossed his attention ; those suspected of committing the crime felt the whole weight of his authority,* and were seized and tortured in his presence. In one instance where some witches had accused the Earl of Bothwell of consulting them to use their art in raising the storms which had endangered the Princess Anne of Denmark's life, and prevented her completing the voyage to Scotland, when she was to have been married to the King, King James,

* Robertson's "History of Scotland," B. viii. 175.

upon these statements, caused Bothwell to be apprehended and committed to prison; from which, however, he managed shortly afterwards to escape.

Broughton village was noted as a haunt of reputed witches, who were frequently incarcerated in its Tol-booth or jail, where the Baron's courts were held, tried there, and sentence pronounced upon them by the Baillie or his depute, who, as already mentioned, had the power of condemning offenders to the gallows or stake. Numerous instances are recorded where women were taken in the village, and tortured in such a cruel manner, that powerful though the family of the Bellendens were—the Barons of Broughton at that time—complaints were made of the shocking tortures inflicted upon the condemned.

Pitcairn, in his account of "Criminal Trials in Scotland," states that a great number of trials for witchcraft took place during the reign of James the Sixth, who himself used to attend at some of them, and examined the poor creatures while under the torture; and that a number of these were tried before the Baron Bailie of Broughton, near Edinburgh, which was one of the most extensive jurisdictions of that description in Scotland; and that the trials before the High Court of Justiciary, of which he takes note, bore a small proportion to those tried before the Commissioners and Baron Bailies throughout all parts of Scotland.*

An execution of several females, convicted of the crime of witchcraft, took place at Broughton, attended with such barbarities as to have called forth, even at that time, decided marks of reprobation; for we find

* Pitcairn's "Criminal Trials," vol. iii. 598.

that complaints were made; and it is stated in the Minutes of the Scottish Privy Council, December, 1608, that the Earl of Mar declared to the Council, that some women were taken "in Broughtoun as witches, and being put to an assize and convicted, albeit they persevered constant in their denial, they were burned quick (that is, alive), after such a cruel manner, that some of them died in despair, renouncing and blaspheming God, and others, half-burned, brak out of the fire, and were cast quick (alive) in it again, till they were burned to the death."

A warlock, named Hamilton, who was tried on 22d January, 1630, *confessed* to have begun his career from meeting the devil in Kingston Hills, Haddingtonshire, and had then engaged to serve him—had the power of making the devil appear, by striking on the ground three times with a fir stick, and that he appeared on these occasions in the form of a *dog*, *cat*, or *crow*; that he had attended many witches' meetings, and he thereupon accused several women as witches, whom he said had been present with him at these sederuns.

Several of these women were apprehended on his statement, convicted, and burnt. Hamilton was himself convicted, condemned to be "worried" (strangled), and his body burnt at the stake, which was done.

There are several cases where the parties having been tortured and questioned, emitted what was termed a "confession" to the truth of the accusation made against them, and did, when at the stake and on the point of being burnt, solemnly declare their innocence of the crime imputed to them—as in the

case of the Broughton witches already noticed—and even when the flames were consuming their bodies.

In a case which occurred in Kirkwall, in 1594, the victim, an old woman—who had been accused of aiding the Master of Orkney in attempting to kill his brother by “poisoning and witchcraft”—was put to the *caschielaus* for forty-eight hours—this species of torture we have already described. Her husband, an old man of eighty-one, a son, and his young daughter of seven, were at the same time, and in her presence, tortured by other means—suspended to the ceiling by their arms, and heavy weights attached to their legs. This was done in order that she, seeing the torture inflicted on those dear to her, might the more readily “confess.”

In such circumstances, and in her agony of mind and body, she emitted a “confession,” which, however, did not save her from the sentence of death being pronounced against her—that of being burnt at the stake. When at the place of execution, she made a declaration to the effect that, “upon her soul and conscience, as she would answer at the day of judgment, when the secrets of all hearts shall be declared, that she was innocent, and would be as innocent of any part of witchcraft as a bairn new born.” That declaration was attested by a notary-public in her presence, and, as the learned author and historian states, it showed great courage in him to take down the poor woman’s confession. On her being questioned by the “parson” for the reason by which she had been induced to make “confession,” she answered that “she was tortured divers and several times, in the *caschielaus*, and sundry times taken out of them

dead, and out of all remembrance either of good or evil." * She was burnt to death.

The Master of Orkney was at the same time tried, and the counsel for him having produced the declaration, tauntingly told the members of assize to believe the evidence for the prosecution, which seemed mainly to consist of the "confession," extorted in the manner above detailed. His client was acquitted of the charge.

After the Barony of Broughton came into the possession of the Governors of Heriot's Hospital, the Common Council of the city of Edinburgh, on 17th July, 1661, gave a grant to William Johnstoun, the then Baron-Bailie of Broughton, "of the goods and chattels of women condemned for witchcraft, and which were thereby escheated to the said bailie." Maitland, in his "History of Edinburgh," † remarks on this grant, "wherefore it is not to be wondered at that innocent persons should be convicted of a crime they could not be guilty of, when their effects fall to the judge or judges."

In order to show the impression made upon the minds of many of the community as to the efficacy of "charms," we subjoin, as a specimen, an account of a ludicrous circumstance which took place in 1683, and in which one of the preachers of the gospel was the love-sick swain :—

"Mr. John M'Queen, one of the ministers of Edinburgh, in December, 1683, having by trepane got a petycoat of Euphemia Scott (after Lady Eymouth, and spouse to Wyniam Eymouth, who is now broken and dead), with whom he was deadly in love, though

* John Hill Burton's "Narrative of Criminal Trials," i. 304.

† Maitland's "History of Edinburgh," B. i. 98.

she hated him, he made thereof a waist-coat and drawers, for which he was suspended; but the Bishop of Edinburgh, Paterson, reponed him in February, 1684."*

A lampoon was published at the time, styled "Ane Apolegetical Letter from Mr. John Macqueen, second Minister of the College Kirk of Edinburgh, to his Ordinary, John Paterson, Bishop of Edinburgh." It proceeds as follows :—

"I then, indeed, fell on a fancie,
Which reaches nigh to necromancie,
Into this town there lives a matron,
Who, 'tis said, takes Circe for her patron ;
It was the counsel of this Sophie
I should get clothes worn by Effie,
The which, if I obtained and put on,
Of the chief part of this love-sick matron,
I would instantly, in spite of fate,
Cause her love me, whom she did hate.
This course I took, and forthwith got,
With great difficulty, a coat
Termit pettie, as the vulgar speech is,
Or ye may call them female breeches," &c.

The "charm" did not seem to have produced the desired effect.

Numerous persons went about the country stating that they could detect witches, by finding the Devil's mark, as it was termed, on the bodies of the accused. One of these "detectives," it is stated, "went openly about abusing simple and ignorant people for his private gain and commoditie."

In 1709, the Rev. Allan Logan, minister of Torryburn, Fife, often preached against the crime of witchcraft. He also claimed the faculty of being

* Fountainhall's "Chronological Notes," 32.

"particularly knowing in the detection of witches." It is mentioned of him, that on one occasion, while preaching in his church, when he supposed there was a witch present, or thought he could detect one by surprise, he would call out, "You witch-wife, get up from the Lord's table."

One of his hearers (a woman) having remarked to some of her neighbours that the minister was "daft"—and she apparently was not far wrong—was apprehended, tried before the Session for "profanity," convicted, and ordered to "sit before the congregation, and be rebuked."

The last execution which occurred in Scotland for the crime of witchcraft, took place in Sutherlandshire, in 1722. An old woman—a grandmother—who resided in the parish of Loth, was accused of having ridden upon her daughter, whom she had caused to be transformed into a pony, which had been shod by the devil, and that her treatment of her daughter in such a manner had afterwards caused her to become lame both in her hands and feet—a misfortune which she also caused to be entailed upon her grandson. She was burned at the stake in Dornoch.

The poor old woman, from her age, seemed to have been at the time of her execution in her second childhood, or the treatment she had received must have caused her to become insane, for it is narrated that while the preparations were being made for her execution—which took place in severe weather—she sat *composedly warming herself* at the fire which had been prepared to consume her.*

The barbarous circumstances attending this execu-

* Burton, *Ante* i. 309.

tion, combined with the extraordinary and absurd nature of the charge under which the unfortunate creature was convicted, appeared to have been the turning-point of a complete revolution in the minds of the people, as the enactment constituting witchcraft a crime, and punishable by death, was, a few years afterwards, repealed.



CHAPTER X.

King James the Sixth—His Character, Credulity, Belief in Witchcraft—
Witches' Meeting at Prestonpans and North Berwick—Supposed
Origin of Witchcraft, &c.

WE have already noticed, in the preceding chapter, that King James the Sixth was a believer in the reality of the charges made against persons accused of the crime of witchcraft. Like many others at that period, the King seemed to have been seized with what might be called a moral "epidemic," in regard to the supposed crime of witchcraft, which many causes combined had produced, not only in Scotland, but in England and other countries. The main causes of its production in Scotland were the violent overturning of the old forms of religion so long practised, and the gross superstition which generally prevailed among the people, whose minds were also excited and agitated by the passing events and keen discussions on the great religious questions of the time, so powerfully advocated by the leaders of the Reformed religion.

The King's character seemed to have been a singular compound of learning, or rather pedantry, cunning, and simplicity. His notions of divine right as a king, and his good-natured *bon homme*, form the most extraordinary combination that ever took place in the character of any of our kings.

It was during his reign, and before his accession to

the throne of England, that the greater number of trials for witchcraft in Scotland occurred. He issued commissions to the magistrates and ministers of the Kirk, giving them the fullest powers to try and punish offenders. Many victims were thus tried, condemned, and executed—the great majority of these being the poorest and lowest in the social scale. The practising of the arts of witchcraft and divination, however, were not, as a rule, confined to that class; for many members of the nobility were guilty of seeking counsel from witches. We have already seen that the Earl of Bothwell and the Master of Orkney were tried for witchcraft, and that one of the Barons of Broughton—a Senator of the College of Justice—Sir Lewis Bellenden, consulted Richie Graham, the warlock, and died of fright through the effects of that meeting. Euphemia Macallzean, the wife of another senator, was executed for the same crime, thus demonstrating that this moral disease had affected the minds of the higher and better educated classes in society.

It is recorded of King James, that on his marriage, "he the next year was employit in bancatting the Lords of Denmarc that accompanat him and his Queyne hayme to Scotland, quhilk was upoun the first day of May, 1590, and thereafter in trying and examining of Sathan's supports, sik as sorcerers and witches, in great numbers thro' all the countrie."* That he sat as a judge upon those who were tried and tortured, and listened with the greatest credulity and avidity to the curious and singular details of the charges "confessed" to by those so tried and put to the torture.

* History of King James the Sixth, 243.

A perusal of these "confessions" have so much of the horrible, and yet grotesque, that while we may deplore the moral darkness and causes that could produce such exhibitions, we cannot help being amused at the "aids," or machinery, so to speak, by which the assistance of the powers called upon were invoked.

All writers on witchcraft have expressed their surprise at the curious uniformity existing in the "confessions" of the accused, for which it would appear no feasible explanation can be given. To work spells and procure power from the Evil one, the most disgusting and horrible compounds, selected alike from the animal and vegetable world, were called into requisition, and took part in the carrying out of the programme. In the tragedy of "Macbeth," Shakespeare, when describing the meeting of the three witches, and their preparations for the "charm," gives in detail the various ingredients used by them :—

"Round about the cauldron go,
In the poisoned entremes throw,
Toad that under the cold stone,
Days and nights lies thirty-one ;
Sweltered venom, sleeping got,
Boil them first in the charmed pot," &c.

It would appear that, in addition to Broughton, two districts, within a short distance from Edinburgh, were alike famous for the deeds of the witches—Prestonpans and North Berwick.

Even at the present day the former is one of the quaintest and most ancient-looking towns in Scotland, consisting, as it does, of a long street following the undulations of the sea-coast. The houses generally are all of the old Scotch style, crow-stepped, with

small windows, and built in that irregular manner so common in the sixteenth century. When entering the town you feel as if you were carried back to an incident in King James' reign, when, on a stormy night in October, 1589, during his absence in Denmark at his marriage, a meeting of all the witches was held at Prestonpans, under the leadership of the school-master of Tranent, for the purpose of raising a storm to prevent the king's return to Scotland. The incantations used on that occasion are curious, and are detailed at length in Pitcairn's "Criminal Trials."

The greater number of those concerned in that assembly were tried and convicted. The leader, John Cuninghame, alias John Fean, being one of them.


There is a singular circumstance in connection with Prestonpans, and its notoriety for the meetings and exploits of the witches in olden times, which we cannot refrain from taking notice of. That is the extraordinary fact that when the bill for the repeal of the Act against Witchcraft was introduced into Parliament, in 1735, it should have been opposed by the proprietor of an estate in the neighbourhood of the village, and who had also been one of the Judges of the Court of Session. This was the Honourable James Erskine—Lord Grange—then a member of Parliament. In the "Autobiography of the Rev. Dr. Carlyle, Minister of Inveresk,"* Erskine's character is pourtrayed, and also some particulars given of the proceedings adopted by him in regard to Lady Grange.

* Carlyle, 9.

It would appear that Erskine was a strong believer in the powers of the witches ; very learned in demonology, and that his library was stored with books treating on that and kindred subjects. The first speech he made in Parliament was on the occasion when he opposed the bill, and as great things had been expected of him, his political opponents were on the *que vive*, but his "maiden speech" seemed to have placed their minds at ease. His diary, of which extracts were published, is full of dreams, prognostics, and communings with persons supposed by him to have been supernaturally gifted.

The church at North Berwick was also at this period a favourite resort of the witches, where they met at midnight, presided over by John Fean. At those meetings, according to the confessions, "the Devil, it is said, appeared." Among the witches present on those occasions there was one named Gillie Duncan, belonging to Prestonpans, who being young and comely, his Satanic majesty was much impressed with, and had regard for, and seemed never to be so well pleased as when she was near him. Gillie, however, treated him very cavalierly, and ordered him about in an imperious manner. She generally sang the incantations used when working the spells and charms.

Although we may now smile at the credulity and ignorance of the judges who could try and punish to the death those implicated in such transactions, yet, to realize fully the effects produced upon the minds of the common people, we must try to imagine the horror and fear which they must have occasioned, and we cannot fail to see that these must have been largely increased by the alleged "confessions" of the



accused. The King himself, by his "Treatise on Demonology and Witchcraft"—the denunciations of the ministers of the Church—the readiness of the judges to condemn, and who, when sentencing the victims to death as the punishment for such a crime, sheltered themselves under the authority of Scripture—gave additional grounds for the multitude believing in the powers of the "witches."

It has been a subject of much speculation among all the writers on witchcraft to what source can we attribute the curious philosophy of its charms, incantations, belief in the occult powers of certain vegetables and animals, and the wonderful agreement in the forms used in places remote from each other. It would be difficult to give an answer on these points. A good deal of the supposed virtues of the subjects selected for the charms, and the ritual adopted, was traditionary, combined with the nostrums and quackery of the alchemy of the Middle Ages. The influence on the philosophy and teaching of the Middle Ages by the Moorish occupation of Spain has only been recently brought to light, and at the period when the trials in Scotland for witchcraft took place, the principle of evil was strongly believed in.


When we turn to England, at the same time, we find that a similar epidemic had burst forth there, and a great many victims perished. From the increasing knowledge and humanity of the judges the disorder gradually became milder, and the punishment of death ceased to be inflicted. But this supposed crime was not limited to Great Britain. It broke out in the New England States, shortly after their colonization by the Puritan Fathers, and did not cease until many

had been sacrificed to pacify the terrors of that community.

There can be little doubt that King James was the party to whom we must principally attribute the trials and executions that took place all over Scotland. The credulity displayed by him while he listened to the "confessions" of the accused, and "supped full of horrors" at their trials, will of itself render the reign of the so-called "Solomon" memorable, as well as being the eve when Scotland emerged from the moral darkness which almost enshrouded it.

However much we may pride ourselves upon the great changes that have taken place since then, through the rapid spread of education among the mass of the people, and the diffusion of liberal ideas, we cannot conceal or gloss over the fact that there is still a not insignificant number of persons within our own religious Scotland who believe in the sayings of "fortune-tellers" or "spaewives," the "reading" of "cups" and "cards," the supposed efficacy of "charms," the good luck sure to attend when an old cast-off horse-shoe has been affixed to the door of the house or place of business; the freaks indulged in, and the "aids" used to get a glimpse into future fate, so humorously narrated by our greatest poet in his poem of "Halloween"—the grand anniversary meeting-night of the witches and fairies.

When we contrast the past with the present, it, however, must afford much satisfaction to those statesmen and other noble-minded men who have striven for years to further the spread of education—give them encouragement to continue in their good work, and rest not from their labours until the



poorest in the land can untrammelled obtain for their children the blessings of learning, without which clergy and laity will labour in vain to effect a change for the better in the tastes, amusements, and general conduct of the multitude.

The working classes of Scotland owe a deep debt of gratitude to one of our present Representatives for Edinburgh,* for the zealous and arduous manner in which he has for years endeavoured to procure for Scotland a system of education suited to the requirements of the present age, and the earnest interest taken by him in the furtherance of projects tending to promote their general welfare.

* The Right Hon. James Moncreiff, M.P., Dean of the Faculty of Advocates, &c.

CHAPTER XI.

Judicial Powers of the Barons in Criminal Cases—Summary Mode in which they Convicted and Punished Offenders caught with the “Red Hand,” or immediately after the commission of the crime.


IN olden times, justice was dealt out in a very summary manner, both by the “Commissioners” or judges, and the Baron Bailies of Burghs of Barony and Regality—Broughton not being an exception; for we find that on 10th October, 1627, when the Privy Council was sitting in its chamber at Holyrood Palace, an outrage was committed on the person of Richard Bannatyne, at that time the Depute-Bailie of the Regality of Broughton. One John Young, a poultryman, attacked him at the council-room door, and struck him in the back with a whinger—a dagger or small sword—to the peril of his life. The Council, as the report bears, in great indignation immediately sent off the offender to be tried on the morrow, at the Tolbooth, with orders, “if he be convicted, that his Majesty’s Depute cause doom to be pronounced against him, ordaining him to be drawn upon ane cart backward, frae the Tolbooth to the place of execution, at the Mercat Cross of Edinburgh, and there hangit to the deid, and quartered, and his head to be set upon the Netherbow, and his hand to be set upon the Water Yett.”*

* Domestic Annals of Scotland, ii. 16,

Several instances occur where the persons were captured immediately on the commission of the deed, or, as it was termed, "caught with the red hand," were tried summarily before the Baron-Bailie of Broughton, and sentence of death pronounced against them. Of these we give the following :—

A Mr. Gordon of Ellon, who had a "villa" situated in Broughton, and who resided there with his wife and family of two sons and a daughter, during part of the year, he being in business in Edinburgh, and having a residence also in that city, of which he was one of the bailies. According to the accounts of the period, he was very wealthy, and had built the House of Ellon, situated in Aberdeenshire, in a handsome manner. He had a tutor for his sons, one Robert Irvine, a licentiate of the Church of Scotland. One day, in the absence of Mr. and Mrs. Gordon, it would appear that he had taken some liberties with the servant maid, which had been observed by the children, who told their parents on their return home. Irvine was reprimanded by Mr. Gordon; but having expressed contrition for his misconduct, was forgiven. This circumstance, however, seemed to have affected his mind, and he resolved to be revenged upon the innocent children. On the following Sunday, Mr. and Mrs. Gordon, accompanied by their little girl, went into the city, leaving Irvine and the two boys at home. The three afterwards went out for the purpose of enjoying a walk, along the slopes of what is now St. Andrew Square, at that time a field. The children played about, amusing themselves by gathering wild flowers, while Irvine, who had then formed the design to murder them, sat sharpening a knife. He called the boys towards him; and, having reproached

them for informing their father of his conduct to the servant girl, stated that they must now suffer the consequences of their misdeed. The children attempted to run away, which he easily prevented ; and, having seized them, kept one of the boys down on the grass with his knee, and severed the head from the body of the other, and immediately afterwards murdered, in the same manner, the one he had kept on the ground. The deed had been observed by some parties who were at a short distance from the murderous scene, and an alarm was at once raised. Irvine then unsuccessfully attempted to commit suicide, by inflicting a wound on his throat with the same knife he had committed the murders. He then ran from his pursuers towards the Water of Leith, into which he sprang, with the evident intention of drowning himself, but was taken out, brought in a cart to the prison, and chained to the floor. This occurred on the 28th of April, 1717. The *following* day he was brought before the Baron-Bailie of Broughton—the murders having been committed within the bounds of the Barony—who pronounced sentence of death upon him. During the interval between his sentence and that appointed for his execution—which was but one day—he was addressed by several clergymen on the heinousness of his crime, but appeared quite callous. After a little time, however, he exhibited signs of contrition ; and on the bloody clothes of the poor murdered children being shown him, he burst into tears and groans, and sent a message to the unhappy parents, beseeching their Christian forgiveness for the great crime which he had committed. This was granted. He was then executed—his hands, according to the sentence, being first chopped off with the knife by



which he had committed the deed. It was thereupon stuck into the gibbet, beside his body ; and, on his death, it, along with his remains, were thrown into a neighbouring quarry.

In 1721, the treasurer of George Heriot's Hospital made a complaint to the governors of that institution—then the Superiors of the Barony—"that of late some murders had been committed within the Regality and Barony of Broughton, whereof they, as governors, were Lord Superiors, whereby the Hospital, for the preserving of their rights and privileges, were put to considerable charges in prosecuting such offenders, and in bringing them to punishment for their crimes, by reason of the friends of the persons murdered sometimes, if not always, not being in a condition to prosecute the murderer ; particularly, of late, in prosecuting John Webster, gardener, for murdering Marion Campbell, daughter of Campbell of Kevinock, and for the preventing of such expense in time coming, desired the Council might discharge the prosecuting of any such offenders for the future, without special warrant for that effect."

This murder was committed in the February of the same year, and the criminal tried before the Baron Bailie of Broughton, condemned, and executed.

CHAPTER XII.


Powers of the Barons as Judges in cases of a Civil Nature—Forms of Procedure—Nature of the Cases—Illustrations showing their general tenor.

AS previously stated, the Barons had the privilege personally, or by deputy, of acting as judges in their own courts, in cases relating to questions involving civil as well as criminal procedure.

From the records of the Barony and Regality of Broughton, which were kept along with those of the Burgh of Canongate, incorporated with the former in 1630, the Baron-Bailie of Broughton at the time being also one of the magistrates of the Canongate ; various actions, such as ejections against tenants, claims for rent, furthcomings, services of heirs, charges for committing assaults, actions for recovery of ordinary debts, &c., were of almost daily occurrence.

The "records" examined consisted of several volumes, commencing about the year 1634. The writing in some portions of these is very faint, and from the peculiar style, phraseology, and numerous contractions used, it was a work of some little time and difficulty to read the manuscript.

The titles of the books were much to the same effect, they generally ran as follows :—" Court Book of the Regaltie and Baronie of Broughtoun an burt, of the Canogait, conteining au actionns an causis belanging to the saidis courtis, and utheris belanging



thairto. Be M. James Logane, clerke to the said courtis."

The sederunts of the courts were usually in the same terms. The Bailies assisting the Baron-Bailie Depute were however occasionally different. James Wilkie and James Sympson being most frequently present during the years when the cases undernoted were decided; those specially brought under the cognisance of the Baron-Bailie being marked on the margin "Bar : Bail :" and which was followed by the name of the pursuer and defender. The officers of court in attendance, or who seem to have served the citations under the complaints, were James Rattray and D. Wallace; the name of the officer being usually stated at the end of the decerniture, and thereafter a sum inserted as the expenses of court.

The preamble in the greater number of the actions was, "Quhilk day, Willia Sinclair, Bailie-Depute of ye Regalitie and Baronie of Brochtoun, Sittand in Judgment in ye actioun an caus contentit in ye claim intentit an prosecuted at ye instance of," &c.

In others, where the party sued "confessit" the debt "to be awand," the decerniture was pronounced as in the following case:—"Decerns Alexander Cois, Miller in Canonmylins, to pay to Willia Richie, sumtyme Box Maister of ye Wrightis of ye Canogait, ye sum of Ten poundis money, as cautioner, suretie, an full debtor for

Cois, his brother, an that betwixt ye dait heirop an Mertemes next, quhilk sume was payed be ye said persewar for ye said

Cois, ta ye Wrightis Box of ye said burghe as pairt of hes freedom of ye said craft, an hes berans—Comperit ye said defender, an acknowledged ye said debt to be awand."

The defender apparently craved delay to pay the debt, which the Baron-Bailie granted to the time mentioned in the decerniture—(Martinmas).

The next action is at the instance of Isobel Pater-son and Colonel Broune, on Moutrie's Hill, her spouse, for his interest, against several persons, their tenants in subjects situated at Canonmills and St. Leonards.

The following cases are a few selected from these records at various dates ; the general character of the others being much to the same effect :—March, 1634 : Decerns Johnne Browne, indweller in Canogait to pay to Marion Hall, widow, in Brochtoun, threity poundis of money, for meat an drink furnishit be ye said persewar ta ye said defender at sundrie tymes within ye twa yeiris, with as expenses. Decerns John Staig to pay to D. Bruce six poundis, for certain bed maill, and borrowit money, furnishit an lent be ye persewar ta ye defender twa yeiris syne—Wallace, officiar. 16 August, 1634 : Decerns George Bartholomew, in Brochtoun, ta pay to George Merschell, mason, ye sume of sixteen poundis, money promissit be ye said defender ta ye persewar for furnishing, jobbing, an laying of ye stanes ta twa doors an twa windoes of ye new hous beelt be ye said persewar, twa yeiris syne, pertaining tae ye Laird of Gogar, in yaird in Brochtoun, possessit be ye said defender, "qua confessit—Rattray, officiar. October, 1634 : Decerns Johnne Henderson to pay to James Kerr, in Canonmylinis, threity poundis of money for ail and borrowit money, furnishit an lent be ye said persewar ta ye said defender—Rattray, officiar. . . expenses.

There are several actions of removing during that and the following year ; one of these, on 18th June,

1634, at the instance of "Andrew and his curators, against certain tenants in Clockmyline, Harlaw, and Barbour Lands;" and, on 13th May, 1635, there is another, at suit of "Dame Elizabeth Ker, Ladie Brochtoun," against John Watt and J. Hart, tenants in Abbot's Grange, "pertenning to ye Regalitie and Baronie of Brochtoun, and Sheriffdom of *Stirling*." Several services of heirs—one in favour of John Bellenden, in Canonmylinis, to William Bellenden, his father, to land and annual rents there.

"20 January, 1637: Decerns Isobel Lauder and Wa. Smythe, clockmaker, her spous, for hes interest, ta pay ta Walter Adamson, schoolmaister, poundis, for teaching an instructing of Johnne Smythe, thair son, ta reid, wryte, an lay comptis, in years 1635-1636, an expenses." "28 January, 1637: Decerns Wa. Pennie, wright, ta pay ta Wa. Adamson, schoolmaister, seven poundis, for teaching an instructing of Wa. Pennie, hes son, ta reid, wryte, an lay comptis, an for furnishing of ye said Wa. ink, pens, an paper fra ye moneth of Januar, 1635—Gibson, officiar."

"10 February, 1637: Decerns Johnne Wilson, Litster, ta pay ta W. Adamson, schoolmaister, three poundis, for instructing of twa of hes bairns, fra January 1636 ta January last."

Adamson, the schoolmaster, and the pursuer in the cases immediately above quoted, from the difficulty experienced in getting payment of his charges for teaching, had apparently fallen into such a state of despondency as induced him to have had recourse to the use of stimulants, which he procured on credit, but had been unable fully to discharge, for we find, on 12th April, 1637, a decree pronounced against him, at the instance of James Menzies and Isobel Baptie,

his spouse, for a small sum, "as balance standing of ane greater sune for beer an aile furnisheit by ye persewars ta ye defender, ane yeir byegane."

Another schoolmaster—James Knox, in Canonmills—had also difficulty in getting remuneration for his services, he being obliged to become a litigant before the Baron-Bailie. "February, 1637: Decerns Margaret Crawford, in Brochtoun, an Thomas Omand, of Warriestoun, her spous, for hes interest, ta pay ta James Knox, in Canonmylnis, three pundis, balance standing of aught pundis, for learning, teaching, an instructing of four bairnes ta reid, wryte, an lay comptis, in hous at Brochtoun."

A defender, of the name of John Cummyrn, was decerned to pay to Marion Gemmell, widow, a sum "for bed mail, meat, an drink furnisheit be ye persewar ta ye defender, within these four yeiris."

Patrick Oliphant, in Brochtoun, was also decerned "ta pay ta Johnne Murray, wabster, ten pundis 2s., borrowit an received be ye defender fra ye persewar, twa yeiris past." "19 April, 1637: Decerns Johnne Bruce, saidler, ta pay ta Henry Younger, wricht, xxxvis. money, restan of vii. pundis xs., as price of three frames of three kirk stools, wrocht be ye persewar for ye defender, ane yeir syne or thairby."

"8 February, 1637: Decerns Christian Duff an Thomas Allane, Messr., her spous, for hes interes, ta delyver ta Anthony Gosselm Bakoter, ye guidis an gear following—an reid scarlit claythe cloak, with gold fastenits; ane black vellvet womanis doublet, with ane siller fastiner, haveing ye twa first lettres of ye names and surnames of umquhil Joh. Ramsay, trumpiter, an Catharein Maxwell, hes spous, quhilk war delyverit be ye said Catharein to umquihile Jonat.

Murray, last spous ta ye said persewar, in pledge of ane hundred merks borrowit an resaivit be ye said Catharein, frae ye said Jonat., thairupoun, an quhilkye said umquhill, Jonat. delyverit ta ye said Christian Duff, in custody an keepin, ta have beine redelyverit, quhaneiver ye per. or hes said umquhil spous demandit, an quhilk ye defender has dyvers tymes sen syne confessit ye rescit an havein thairof, an promittit delyverie ta ye saidis persewars," &c.

In the following case, James Sympson, one of the bailies, sat as judge, the claim being at the instance of the Baron-Bailie of Broughton himself. His name, however, appears in the sederunt in other cases that day :—

"21 November, 1638: Decerns Thomas Sinclair, jak* maker, ta delyver tae Wa. Sinclair, Bailie-depute of the Regaltie an Baronie of Bruochton, ane pair of brass pistolletes, worth xvi. lib., delyverit be ye said per. ta ye def. ane yeir syne ta dicht an repair, or ta pay ta ye said per. ye said soume as pryce thairof within tyme of law. *In pena contuma*, Dawson, officiar, with xxs. of expenses.

Under date 24th January, 1638, there is a claim made of a rather extraordinary character. The writing was also difficult to make out, it being faint, some places illegible. The substance of it, however, as near as could be ascertained, is as follows :—

"Decerns Thomas Dryisdail, Baxter, an Margaret Lyell, hes spous, ta pay ta Adam Scott, . . . the sums of money following, and for the causes after mentioned, vizt, twentie poundis of borrowit monies

* The designation of the defender was almost illegible. It is given here as *Jak*, being the name of a piece of armour, and as the nearest rendering of the apparent letters in the MS.

at sundrie and dyvers tymes be ye def. for ye per., an partlie disburset be ye per. for ye def. at John Lamb's, last Merts. . . . Ten pundis money for certain paines, travailles. . . . an . . . tane an maid be ye per. for ye def. in purchasing ye defender hes warrand ta marie ye said Margaret, now hes spous; procuring proclamatioun, an in labouring ta get ye said marriage completit an solemnizat be Maister Jon. Browne, an in utteres ye defender's lawfull affaires concerning their credit, tane be ye per. ye tymre forsaid, for ye quhilk ye defender oftain faithfullie promittit ta give ye said per. contentment," &c.

The subjoined is the report of a complaint at the instance of "the Sessione of Sanct Cuthbert's *v.* Eabercrombie." The sederunt gives the names of Wm. Sinclair, Bailie-depute of the Regalitie and Baronie of Broughton, and James Sympson, one of the Bailies of the Burgh of Canongate, on the margin is "*Wedy.—Per dispensationem Dom. Consilii.*" The case had been brought before the Bailies, as the body of the decerniture bears, "in respect of the vacancie thairof."

"2 January, 1639: Decerns Dalvid Eabercrombie, Elder, of Pillaussie, within xlviii hors heirafter ta flitt an remove himsellff, wyff, bairnes, servants, fameli, guidis an gear, furth an frae ane dwellin hous, with ye pertinentes possessit be him of ye landis of William Hay, in Sanct Leonards, within ye parochin of Sanct Cuthbertis, an Shrefdom of Edr., persewat be Jon. Hew, herr. in Pleasands, ane of ye decones of ye haill Sessioun of ye said Kirk; an ta desist and ceas thairfra tae that effec, an this in respect of ye lawfull warning maid ta ye said defender be James Rattray, officiar, ta have compeirit this day, an heard an seene

him decernit ta remove fra ye said hous an boundis, as ane Excommunicat fra all Chrystian societie, for hes obstenance an contempt of authoritie, lawis, an constitutiones of ye Kirk of this kingdom, an Acts of Parliament, an as ane obduret heritique an Papist, condemner of God's word an publick worschipe, as ane testificat thair of producet in judgment, under ye subscription of Wa. Wallace, in place of the Beidel of ye said Kirk, an in respect of the vacancie thair of, in respect quhair of ye said bailie decernit in manner forsaide with xxvis. an viii., of expenses.

Several complaints or charges of assault were brought, under the cognisance of the Baron-Bailie of the Barony and Regality of Broughton during the period embraced in the decisions above taken notice of. We shall only transcribe a few of these :—

In September, 1634, a complaint was made at the instance of "Thomas Lamb, Procurator Fyscell of Court for ye said Regalitie, against Gilbert Kirkwoode of Pilrig, on the narrative 'that upoun ye sixth of September instant, ye said Gilbert Kirkwoode set upoun Robert Aitkenhead, an with ane gret whinney in hes hand struck an dang ye said Gilbert Aitkenhead upoun hes head, tae ye effusion of hes bluid in gret quantitie, committit an dune be ye said Gilbert ta ye said Robt., upoun ye hill and boundis of Pilrig, as ye said complaint at mair length beeris—compearand an persewed in judgment ye said Thomas Lamb forsaide, on ye ain pairt, an ye said defender comperand in judgment, on ye uther pairt, quha grantit and confessit ye strickin of ye said Robt. Aitkenhead, tae ye effusion of hes bluid in gret quantitie, in manner foresaid, an caus on ye said bailie hes will thairfor.'"

The Bailie apparently "thocht favourable" and as the prisoner had "confessit" he had "dune wrang in ye strickin an hurting of ye said Robert Aitkenhead in manner foresaid, decerned Gilbert to mak satisfaction an soulace," by a fine, "conform ta Act of Parliament," to which the parties assented. At same time the offender was taken bound "tæ find caution for keeping of hes Majesties' peace in tyme coming."

On the margin of one of the leaves of the volume, under date, "Saty., Feb., 1635," it is recorded, "Andrew Moir ta be hangit for steeling George Mellis' hes gear."


No particulars are given; and there appear to be no further notice taken of the matter, although a space had been left for filling up the complaint and sentence. There are a good many instances in which the same thing occurs.

There are also several cases in which charges for murder were tried before the Bailie and an assize. The parties, however, managed to obtain absolvitor, or, as it is termed, were "assoilziet and clengit." We give one of these, which occurred on 11th November, 1637. There is a long account of the proceedings, part of which, from the writing being bad, and also very faint, could not be made out. The substance of it will be given:—"The quhilk day, in pres. of ye said Wa. Sinclair, Baillie-depute forsaid, an ye said Mr. David Prymrois, Advocat, hes assessor, sittand in judgement within ye Tollbuithe of ye Cannogait, as head burgh of ye said Regalitie, anent ye dittay perseuit an product, at ye instance of Thomas Lamb, Pro. fyschell of ye said Regalitie, against Isobell Quheit Burt, relict of umquhill Rot. Hendersoun, skipper, indweller in Leithe, on ye northe syde of ye

bridge, y'roff within ye boundes of ye said Regalitie. Rob. Hendersoun, David Hendersoun, an Henrie Hendersoun, her sones, indwelleris within ye said boundis. Makan mentioun, that quhereas ye said defr., with yair complices, haveing conceavit ane deadlie hatred, malice, an evill will against umquhil Andro Beatsoun, indweller in ye said northe syde of ye bridge of Leithe, for quhat caus or occasioun unknowen ta ye said umquhill, Andro., unless upoun ane inventit an forgit tale, that ye said umqll., Andro., had beene stealling an taking away of ye said *Drs.* daillis, being biggit up, an fast naillit tægether upoun ye schoir foiranent ye Sandport, neir ta yair awin dore, upon Tuisday, ye fyveteine of August last byepast, ye said umquhill Andrew Beatsoun haveing comet furthe of hes awn hous, with hes clothes lous upoun him, to take, betwixt twa hors and thrie in ye morning, expecting na harme, injurie, or persuit of onie person, bot to have retournit peaceabillie bak ta hes awn hous. The said *drs.*, all loddin withe greit tree naillis, ringis, an utheris weapones, invasive ran upoun ye said umqll. Andro. Beatsoun, maist crewellie strak him with ye said greit tymber or tree naillis in ye head, and under his ureine organs, ta the effusion of hes bluid in gret quantitie, an yre'fter with gret violence flang him in ane boat, then floitan upoun ye watter within ye harbour of Leithe, an he being not abill, for paine, ta stay yairin on hes cumming furthe of ye said boat with gret weaknes, an wading thro ye said watter ta ye land, ye said defrs. maist crewellie dang him bak againe in ye watter, an drave him frae ye ane syde of ye said northe schore ta ye southe syde, quhairby compelling him ta wad thro ye samyn. In ye wading thro y'roff

he was maist pitiefullie drowned, an periseth be yair persewing of him in ye said watter, an sae was crewellie an unmercifullie murdered an slaine be yaim. Committed upoun sett purpos an foirthocht fellonie, in manner fairsaid," &c.

The dittay having been read over by the Fiscal, "on the ane pairt," the panels "denyit ye same an haill contentis thair of on ye uther pairt," several persons were then "sworne an admittet" as an assize to try the cause, "having God an a guid conscience before thair eyes." Proof was led by the Fiscal, and also for the accused; and the jury taking into account the fact of "certain famous witnesses being sworne, admittit, an examinait in ye said matter, all indwellers in ye said northe syde of ye bridge of Leithe, an with ye aids of ye panels, denying ye said dittay," unanimously acquitted them. "Thairfoir, ye said Bailie, with ye said M. David Prymrois, hes said assessor, assoilziet an clengit ye saides Isobell quhuite Burt, David, Robert, an Henrie Hendersoun of ye said dittay, an declaret yaim ta be innocent, guiltless, free, an quit of ye deathe, slauchter, an murther of ye said umqll. Andro Beatsoun, in aw time cummin. An this was pronouncit be ye mouthe of William Wallace, dempster of ye said courtis."



CHAPTER XIII.

The Governors of Heriot's Hospital as Superiors of Broughton—Courts held by them—Appointment of Bailie-Depute and other Officials—Courts by the Provost and Magistrates of Edinburgh, as Superiors of the Burgh of Canongate, part of Leith, Pleasance, &c.—Cases.

IN 1640, the Governors of Heriot's Hospital, Superiors of the Barony of Broughton, re-appointed William Sinclair, the then Baron-Bailie of the Barony of Broughton and Regality, to be Bailie to the Hospital, as in place of the former barons, and "indicted ane Court," to be holden in the Tolbooth of the Canongate.

The majority of the governors at this period being the magistrates of the city of Edinburgh, and, as such, Superiors of the Burgh of Canongate, part of Leith, Pleasance, &c., purchased from the Earl of Roxburgh, they, for convenience, appointed both courts to be still held in the Tolbooth of the Canongate, as the most central and commodious. These Courts were thereafter regularly held there, and offenders who had committed crimes within either of the jurisdictions, were tried before the Baron-Bailie, or his Depute.

The minute is dated in March of that year, and is to the following effect :—"They have thought it good and expedient that the Provost, Bailies, with some of the Ministers and the Council, shall pass upon Friday next to the Tolbooth of the Canongate, and there fence and hold a court in their own names, and for

that effect they ordain William Sinclair, present Baron-Bailie to the Barony and Regality of Broughton, as for the present, to be Bailie to the hospital, as now become in place of the Barons of Broughton, and to indict a court to be holden in the said Tolbooth, before the thirteenth instant, and ordains the said court to be fenced in their names, as Barons of that part of the Barony of Broughton, and as Superiors and heritors of the said lands of the Barony of Broughton, and ordains an act to be made in the said court commanding the whole heritors of the said lands to show their holdings, and that precepts be directed furth to that effect, for showing their rights, the day of . As also, it is agreed and condescended that the said William Sinclair shall be elected Baron-Bailie till Michaelmas next, and that Mr. James Logan be elected Clerk to the said part of the said Barony during their will, and that the officers be of new chosen, sworne, and admitted in presence of the Court."

In the records of the Barony, from which we have quoted, we find that a meeting of the Bailies and Council was accordingly held in the Tolbooth of the Canongate, on the 13th of March, 1640, when there was produced the charter under the Great Seal in favour of the city of Edinburgh, to the Superiorities of the Canongate, North Leith, and Pleasance, of which, under the arrangement made with the Governors of Heriot's Hospital, the city were now Superiors. An election of bailies, officers, and clerk, took place, when Henry Bellenden and James Sympson were elected Bailies till Michaelmas—Henry Bellenden being the Baron-Bailie for the Regality northwards of the bridge of Leith, and that part on the south side

as is within the said Regality, and Pleasance, both for criminal and civil actions. Alexander Baxter, James Dawson, Arthur Berrie, and James Euston, officers; William Wallace and James Rattray were at sametime appointed as the officers for the Regality and North Leith, and so far on the south side of the bridge as is within the Regality of Broughton.

An act of court was passed by the Bailies ordaining the heritors of the Canongate, Regality, and Pleasance to produce the evidents of their lands on a day thereby appointed.

On the same day, and in the said council-room, a "Court of the Hospital," as it is termed, was held. There were present, Provost Dick, the bailies, certain of the ministers, deacons, and council. The preamble is in Latin, and contains the names of the persons present, it then proceeds in the following terms:—

"Ye samye day, in presence of ye saidis Provest, Baillies, Ministeris, an Councill of ye city of Edinburgh, feofees in trust, and as Gubernars of ye said Hospital and interests thair of, comperit ye said Peter Alljus (writer in Edinburgh), an producit our Sovereene Lordis Chairtour under ye Gret Seall, quharby hes Ma. despones ta ye said Provest, Baillies, Ministeris, an Councill forsaidis, in trust forsaidis, All an Haill, that pairt of ye Regaltie and Baronie of Brochtoun lyand without ye Burgh of ye Regalitie of Canogait, North an Southe Leithe, so far as lyes within ye said Regalitie an without Pleasands, quhilk belongit ta ye About an Monasterie of Holyroodhous, with ye libertie an privilege of Regalitie, chappellarie, an chancellorie within ye fornमित boundis, choosing of baillies, clerke, an au uther officiars, Haulding of Courtis at will, as at mair lengthe is containit in ye

said chaitour, dated at Quhitehaw, ye second day of December, 1639, an Infestment following thairupoun, of ye dait ye twintieth day of Februar, 1640.

"Ye samyne day ye saidis, Provost, Baillies, Ministeris, Councill, an Deacons of Edinburgh, electit an choosit William Sinclair, Baillie of that pairt of ye Regalitie an Baronie of Bruchtoun that hauldis of ye said Hospital an Superiors forsaidis thairof, Pleasands without ye said Burghe of ye Regalitie of ye Canogait, northe an southe sydes of Leithe, so far thairof as lyes within ye said Regalitie and that lyes without Pleasands forsaidis, bathe for criminal an civil actiouns, till Michaelmes next, quha acceptit ye said office upoun him, and gaid hes aythe *de fidele administratione*."

At the same diet of Court, Mr. James Logane was elected "Clerke of that pairt of ye Regalitie an Baronie of Brochtoun quhilk hauldis of ye said Hospitall," &c.

Numerous actions, as in previous years, were brought before the Baron-Bailie, but these do not appear to be of any great importance, or differing much from the general tenor of the specimens already given. Several decrees in actions of declarator of non-entry at the instance of the governors of the hospital are amongst these. There are also a very great number of services of heirs. The following are inserted as being a little out of the usual routine, and in order to give illustrations of the procedure before the Baron-Bailie both previous and subsequent to the period when the Governors of Heriot's Trust acquired Broughton, and with these we must now close our notice of the "Courts:"—

"Decerns David Livingstone *qua* deacon, an

Thomas Stone, box-master ta ye wrightis of ye Canno-gait, in name an behaulf of ye trade, ta pay ta James Rattray, baronie-officiar, fifty-three pundis Scots money, as ane yeiris fees, viz., frae Beltane 1639 ta Beltane 1640, for services maid be ye said James in the craftis affairs within ye said Regaltie an Baronie during the said yeiris, quhan occasioun offerit an being nawest against him.

In 1639-1640, a number of the Broughtonians turned out for the "publick an guid caus," and were supplied with the requisite warlike weapons by the city of Edinburgh. Some had, however, failed, when demanded, to return the weapons furnished to them, and actions for the recovery or value of these were instituted before the Bailie. The following is a decerniture pronounced against some of the defaulters, who however appeared in Court and "confessit :"—

"16 February, 1642 : Decerns ye persones following ta re-deliver ta Alexr. Willsoun in Canomyllins, in name of ye Provest, Bailies, an Counsell of Edr., an haveing sufficient power an commission of ye said burgh of Edr., ye armour following, viz., Mr. Johnne Oliphant, ane sufficient pick ; George Bartholemo, ane pick ; Robt. Hill, ane pick ; James Marr, ane pick ; Rot. Drysdaill, ane pick ; Patrick Symson, ane sufficient musket an bandeleiris ; Matthew Wood, ane musket an bandeleiris ; Alex. Jameson, ane musket an bandeleiris ; or theme to pay for everie musket viii pundis, and for everie pick iiii pundis. Quhilk war lent furthe of ye said tounes munitioun-hous be ye said Provest, Bailies, an Counsell ta ye said defrs., for ye publick and guid caus twa yeiris syne, and undeliverit bak again. *In pena contuma.* Defrs, confessit. Rattray, officr., with ilk ane xs. of expenses."

About the same time there was a complaint before the Bailie-depute—Henry Bellenden—at the instance of the Procurator-fiscal against William Cauldstream, for an assault committed upon the person of one Seatoun; the charge narrated that upon Saturday, the 26th January, 1642, about eleven o'clock in the day, while Seatoun, maltman in Leith, was crossing the bridge of Leith in "a peacible and quiet manner, haveing na thocht of evill," the said William Cauldstream, "being of evill disposed mynd," came up against him, and he "haveing a broadsword be hes syde drew ye sayme out of ye sheath, an strak furiously yairwith," to the danger of Seatoun's life, and "ye effusion of hes bluid in gret quantitie." The accused "confessit" and craved the Bailies to deal leniently, and the Bailie having "thocht favourablie," decerned him to make "satisfaction an soulace" by way of fine, conform to Act of Parliament, &c.

There are many curious transactions and incidents recorded in these court-books, and it would be well that their contents should be printed for the sake of preserving the records of olden times. They are becoming in a great measure almost unintelligible from the effects of time upon the ink and paper, and other causes.

In a cursory examination of some of the minute-books, we noticed a few "Acts" of the Bailies of the Burgh of the Canongate, of which we annex one or two specimens:—

"30 *Sept.*, 1699: The which day George Mitchell an Angus Black, Baillies of the Burgh of the Canongate, and Archibald Campbell, Treasurer thereof, taking to yr consideration the great prejudice the inhabitants

of the Canongate sustain through the want of the ringing of the bell thereof at ten of the clock at night, an that this having been partly occasioned by the entry to the bell being within the Canongate prison, an seeing the burgh has now procured ane new entry to the bell without the prison, an that the ringing of the bell every night at ten of the clock is most necessary for the inhabitants an others resorting to an from the place, an that it is also recommended that there be a constant wage or salary allowed to the keeper of the clock an ringer of the ten-hour bell. Therefore the said Baillies an Treasuer hereby ads twenty pundis Scots to the keeper of the clock an ringer of the bell, an ordains the Treasurer of the Canongate an his successors in office to make payment of the addl. fee hereby allowed, commencing from an after Michaelmas last.

Minute signed "GEO. MITCHELL, *Baillie*."

"*Jany*, 1701.—The Baillies appoint the Treasurer immediately to cause be erected upon the Burgh charges ane pillorie or rackstool upon the south side of the High Street of the Canongate, a little above the cross, opposite to the middle of the old walls, betwixt Sarah Maxtone's land an Gilliestoun's lodgings.

"HENRY FERGUSON, *Baillie*."

"25 *January*, 1701.—The Baillies elect the persons after named constables of the Barronie during pleasure, vizt.—William Anderson, in Broughton, for Broughtoun and bounds y'rto belonging; William Dunbar, weaver in Canonmilnes, for the Canonmilnes an bounds y'rto belonging; and they being present

an accepting of office, made aythe for faithfull discharge of yr. offices and duties yr.in mentioned.

(Sigd.) "HENRY FERGUSON, B.-B.


"DAVID DENOVEN, B."

The Bailies and Council seemed to have looked strictly after the general conduct of the inhabitants, and endeavoured by means of severe enactments that they, *volens volens*, should at least have the appearance of being observers of the "Lord's Day." As an instance of the anxious superintendence displayed by the Bailies, the annexed will suffice for that purpose:—

*"Act for Preventing the Profanation of the
Lord's Day.*

"At Canongate, the thirteenth day of March, 1701 years.

"The which day, the Baillies an Treasurer of the Canongate being convened in Councell, in prosecution of the several Acts of Parliament, Acts an Statutes of this Burgh, an for the more effectual prevention of the profanation of the Lord's day, ratifie and approve of all former acts made against the sayme an other immoralities, an particularly ane Act against profanness, dated the ninth of August, 1693, an other Act, dated the day of , 1699; an doo further prohibite an discharge all keepers of taverns, ale-houses, victualling-houses or cellars, within the Burgh an liberties y'roff, to entertain any persons or furnish any kind of drink unto them within doors at any tyme of the Lord's day, with this exception, that victualling houses may furnish victuals, an so much drink as shall be necessary thereto, betwixt sermons, an betwixt six an eight of the clock at night,



allenarly, an that only to strangers, or such as have not houses of their own in the place, under ye penaltie of half a rix-dollar, to be payed by the master or mistress of the house, for each person that shall be entertained yr.in, as do this, an this out prejudice to the exacting of the penalties retained in the Acts of Parliament against drunkenness from the persons guilty of excessive or unreasonable drinking on that or any other day. An, in like manner, they do strictly prohibit an discharge all persons whatsoever to carry through the streets, or from house to house, any kinds of cloaths, piriwigs, shoes, or other apparel at any time of the day under the penalty foresaid, to be payed by the master of the servant or any other that shall be found to have employed him in this work ; discharging also hereby barbers or others to trim or shave any person either in yr. own houses or shops, or elsewhere, at any time of the day, an that under the penalty foresaid, to be payed by the barber for such transgression, committed by himself, or his apprentice or servant ; declaring always that if any barber or his servant shall be found carrying about from place to place any of their utensils for trimming on the said day, they shall be holden an repute as guilty, an lyable to the fine as above mentioned. An, sicklike, they do strictly prohibit an discharge all persons whatsoever to stand idely in the streets, or walk in the fields, or upon the Castlehill on ye Lord's day, under the penalties foresaid ; and ordains these presents to be published in the usual manner.

“HENRY FERGUSON, *B.-B.*

“DAVID DENOVEN, *B.*”

The same day an act was passed against vagrants and beggars : prohibiting landlords and others letting houses to strangers without these persons having first shown "sufficient testimonials, to be approved by the magistrates or kirk-session, of their honesty an good behaviour, an bearing that they had sufficient means of their own, or lawfull callings, to maintain ym, at least that they have, in the places from whence they came, lived virtuously," &c. A penalty of twelve pounds Scots was to be paid by the landlord or other person letting houses to them.

13 Sept.—An act was passed, of this date, against drinking in taverns after ten o'clock at night. Constables had authority to enter into "suspected houses," and if any persons were found there after "the tolling of the ten-hour bell," the tavern-keeper was liable to a penalty of ten shillings for every person so found drinking ; disorderly persons were to be taken charge of by the constables or town guard, and brought before the Bailie next day.

The minute-books contain a great number of names of persons made burgesses of the burgh ; several of these having received that honour in return for good deeds conferred upon the burgh. Amongst these we noticed at this time that "his Excellence Major-General George Ramsay, Colonel of his Majesties' Royal Regiment of Scots Guards of Foot, and Commander-in-Chief of his Majs. Forces in Scotland, made burgess and free of this burgh. To use and exercise the haill liberties and freedom yrof sicklike and as freely in all respects as any other free burgess of the same, and that for most generous and good deeds conferred by him upon the said burgh." Nine-

teen officers and friends of the General were at same time entered on the Roll of Members.

On 4th May, 1706, we noticed that Lords Charles Douglas and George Douglas, "sons of his Grace James Duke of Queensberry," were also made free burgesses.


During the Rebellion, in 1715, an application was made to the bailies by "Thomas Scott, brewer in Pleasance, and John Black, wright there, for themselves, and as in name of the inhabitants of the Pleasance," to allow them to form a night-guard there at their own expense. The inhabitants being bound to receive orders from, and make reports to, the Captain of the Canongate Guard.

The Bailies granted the liberty sought, and as many "men allowed for a night-guard as they think fit."

After the suppression of the Rebellion, in 1715, severe enactments were made against Roman Catholics meeting together for the purpose of worship, and many persons were imprisoned on their refusal to sign the "formula." Under the date 25th January, 1720, is the following entry:—

"The which day, in presence of Archibald Wallace and Adam Thomson, Bailies of Canongate, compeared the persons after-named, viz.:—Adam Leith, son to Alexr. Leith in Aberdeen; John Mathieson, son to Donald Mathieson, apprentice to John Logan, spectacle-maker in Edinr.; William Noble, servt. to Alexander Douglas, mert. in Edinr.; Robert Dougod, servt. to Robert Lauchland, wright in Canongate; Margorie Seton, relict of Lewis Crichton; Jean Crichtoun, relict of Francis Crichtoun; Jean Baillie, Lady Castlecarie; Margaret Ogilvie, sister to Captain

James Ogilvie ; Lillias Ker, daughter to Archibald Ker, of Graden ; Jean Johnstoun, relict of James Johnstoun ; Jean Stewart, relict to William Forrest, mert. in Edinr. ; Jean Gordon, daughter to George Gordon of Lessmore ; Christian Clerk, relict of Peter Nairn, in Portsburgh ; Mary Angleik, a Frenchwoman ; Agnes Maxwell, spouse to John Herries, wright in Canongate-head ; Mary Winster, spouse to George Trottar, souldier ; Janet Trottar, her daughter ; Elizabeth Maxwell, relict of Robert Maxwell, of Kirkhouse ; Margaret Douglas, relict of the laird of Lumsdain ; Barbara Paterson, daughter to James Paterson, taylor in Canongate ; Elizabeth Borgan, daughter to John Borgan, vintner in Edinburgh ; Cathrin M'Pherson, daughter to Thomas M'Pherson, in the Highlands ; Sarah Bryan, spouse to Duncan Bryan, souldier ; Jean Semple, relict of Robert Arbuthnot, in the North ; Sarah Laing, relict of Alexander M'Ran, in Canongate ; Cathrin Duncan, daughter to Mr. John Duncan, mert. in Edinr. ; Beatrix M'Iver, daughter to Evander M'Iver, vintner in Edinr. ; Magdalen Seton, indweller in Canongate ; Margaret Stronach, servitrix to Andrew Ross, in Musselburgh ; Janet Murray, servitrix to David Jamieson, mert. in Edinr. ; Jean M'Gowan, indweller in Edinr. ; Margaret Webster, servt. to Mrs. Wallace, in Edinr. ; Anna Campbell, servitrix to Thomas Trotter, keeper of the minute-book ; who being all yesterday be forenoon, seized and apprehended within the lodgings of the Dutchess Dowager of Gordon, as Papists, and assembled together for wirshop, were thereafter committed to the Canongate Prison, and Wee the saids Magistrates having this day called all of them furth of the Tolbooth before us, in our court-house, and



there caused read the formula in their hearing, and desyred all of them, one by one, to take and swear the same, in the terms of the Act of Parliament, which they all refused to doe, except the before designed Janet Murray; whereupon wee caused return them.to prison till they should fynd caution, in the terms of the said Act of Parliament.

(Signed) "ARCHIBALD WALLACE, *Baillie*.
"ADAM THOMSON, *Baillie*."



CHAPTER XIV.

Notices of some Incidents which occurred in Broughton from the years 1650 to 1748, when the Jurisdictional Powers of the Barons of Broughton were Abolished.

BROUGHTON, as on various occasions during the contests betwixt the opposing factions, was in 1650 again the scene of strife. General Leslie, then in command of the Scotch army, having made it his head-quarters when Oliver Cromwell in vain endeavoured to take the city of Edinburgh, previous to the Battle of Dunbar. Entrenchments were formed by Leslie's army round the head of Broughton, Calton, and Greenside, towards Leith, and a high bank made in the direction of the latter place was afterwards converted into what is now "Leith Walk."

In 1651, a sum of money was placed by the Governors of Heriot's Hospital at the disposal of the Treasurer for the purpose of providing borers, and sinking shafts in certain lands in the Barony, with the expectation of finding coal, but the experiment did not appear to have met with much success. Some trading was prosecuted in Broughton at this time, for we find that a complaint was made to the Town-Council of Edinburgh, in 1665, by the Incorporation of Tanners complaining, *inter alia*, that certain parties in the Barony of Broughton were taking upon them the exercise of the furrier trade within their bounds; that they were inferior in calling;

not members of the incorporation, and craving penalties to be awarded against them for infringing upon the rights of the complainers.*

Numerous disputes took place between the incorporations of the Canongate and those of the city, when any of the latter trades happened to execute any work within the bounds of those of the Canongate. A curious circumstance occurred in regard to the mansion of the Earl of Roxburgh, which was situated at the foot of the Canongate. In 1692, William Sommerville, a wright, belonging to the incorporation of the city, had been employed to execute some repairs on the mansion, and was so engaged, along with a number of assistants, when Thomas Kinloch, one of the deacons of the wrights of the Canongate, and some others forcibly interrupted them, and took away the working tools. The Earl of Roxburgh was then a minor, but his curators took part with Sommerville, and the deacon was charged with committing a riot and assault. The complaint was brought before the Privy Council, as it would appear the jurisdiction of the Bailie of Canongate was not recognised, on the ground that when the Earl of Roxburgh sold the superiority and lordship of the Canongate to the city the mansion and grounds were excluded from the jurisdiction, and made to hold direct from the Crown. The Privy Council ordered the working-tools to be restored to Sommerville, and remitted to the Court of Session to inquire into the point of law raised as to the jurisdiction.†

On several occasions previous to 1665, we find in the Acts of the Convention of Estates, undertaking

* Maitland's "History of Edinburgh," book iv. 299.

† Domestic Annals of Scotland, vol. iii. 75.

to raise supplies to King Charles of "a free and voluntary offer of sum to be contributed from the to be uplifted from the various and paid over "at the city Barron and Bailly of the Barron, dissolved from the Lordship of Holyrood..

Between the years 1680 and 1700, a good number of tradesmen located themselves upon Moutrie's Hill, James Square, &c., and its immediate vicinity, where they carried on business principally as weavers. They tenanted lands there, then belonging to Robert Malloch. Malloch having drained some land on the north side of the Nor Loch, to suit these tenants, the Magistrates of Edinburgh, at the desire of certain of the incorporated trades, shut up the Port of Halkerston's Wynd, and also caused the water from the loch to overflow the drained portion of land, with the view of endeavouring to stop the tradesmen from carrying on business at Moutrie's Hill. Being without the bounds, they evaded certain taxes levied by the burgh of Edinburgh. These operations were challenged by Malloch's tenants, and the Court of Session appealed to, but the Magistrates settled the matter by opening up the Port,* and desisting from their other proceedings.

On 16th March, 1689, among the signatures of the nobles to the Act declaring the letter of King James the Seventh to the Scottish Parliament of no effect, the then meeting of the Estates to be free and lawful, and the determination of the members to continue its sittings, till the safety of the Protestant religion

* Fountainhall's "Chronological Notes," 290.

not secured, and the liberation of the kingdom perpetrated, was that of "Bellenden of Broughton." Although the Barony was not in the possession of that family, the title was still held.

In June of the following year, in the Act passed by the Estates of Parliament for raising supplies to King William and Queen Mary, Edinburgh was assessed in the sum of £4,000; and for the ordering and uplifting of that amount, the Provost of Edinburgh was appointed one of the Commissioners for levying and collecting the city's proportion, and "also for uplifting and laying the portion from the Barony of Broughton."

During the Rebellion, in 1714, a party of Highlanders marching through Broughton, on their way to Seton, were cannonaded from the castle of Edinburgh, and a six-pounder shot fired at them went through a barn in the village. The ball is *said* to be preserved in the Antiquarian Museum.*

* Grant's "History of Edinburgh Castle," 162.



CHAPTER XV.

Heritable Jurisdiction Act—Abolition of certain of the Powers of the Barons—Compensation awarded to Superiors of Broughton, &c.

AS already noticed, the privileges and powers possessed by the Barons or Superiors were very extensive and important; and, like the chieftains of clans, in many instances they held great sway over their vassals and dependents. After the Rebellions, in 1715 and 1745, much controversy took place as to the expediency of annulling these rights, in so far at least as their powers of jurisdiction, in questions of a criminal nature, were more immediately concerned. One party maintained that to deprive the Barons of that right would be in direct opposition to an express provision contained in the Treaty of Union between Scotland and England, which clause provided "that all heritable offices, superiorities, and heritable jurisdictions be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the law of Scotland, notwithstanding this treaty." Others, again, were of opinion that these powers had a direct tendency to undermine the constitution and the settlement of the Crown in the Protestant line; that the Barons holding such jurisdiction over their vassals and dependents—who were generally poor, ignorant, and always on the side of Popery and slavery—made use of these powers and influence even against their Sovereign, so much so as

to have contributed in a great measure to the temporary success which the Pretender had obtained in 1745.

The latter doctrine prevailed, for in 1748 an Act of Parliament was passed, whereby all heritable jurisdictions in Scotland were abolished, and the powers held by the Barons transferred in a great measure to the Crown. In terms of that Act, the Governors of Heriot's Hospital—as in room of the former Barons and Superiors of the Barony and Regality of Broughton—were no longer entitled by their Bailie or Depute to try crimes involving a capital punishment. They could, however, try cases such as simple assaults, where the punishment was restricted to a fine not exceeding twenty shillings, or setting the delinquent in the stocks for a period of not more than three hours; and, in civil cases, give judgment where the debt did not exceed forty shillings. Power was, however, reserved by the Act to Superiors exercising their rights as such, in the recovery of the maills or duties exigible from their respective tenants or holders of their lands. Compensation for the loss of these privileges was also provided for under the latter clause. The Governors of Heriot's Hospital received from Government a sum of £486, 19s. 6d., as a *solatium*. A much larger sum, however, had been claimed by them. The whole amount awarded under the Act to persons holding such rights, amounted to about £151,000.

In 1753, the Court-house or jail, situated in the village or town of Broughton, being now no longer required as a prison, was let by the Governors, who reserved right in the arrangement made with their tenant, to claim an apartment in which they could, at

any time they thought proper, hold courts therein for enforcing their remaining rights as Superiors. The building continued to be let, and, in 1829, was in a habitable condition; but when the lands in the vicinity were being taken up for feuing purposes, and the old buildings gradually removed, it—the most ancient and comparatively unaltered edifice situated within the village—was then taken down to meet the requirements of the feuing plan in the formation of Barony Street; thus destroying, as it were, the last memento the Broughtonians had to show that they once possessed a court-house where their Barons or Deputes at one time administered justice, and a jail or “Tolbooth” in which offenders were imprisoned, in conformity with the sentence so awarded.



CHAPTER XVI.

Account of the Villages of Canonmills and Silver Mills, lying within the Barony of Broughton.

WE shall now very shortly notice the origin of the village of Canonmills, and give a brief sketch of its history; and we do so from the fact of its having been mentioned in the charter under the Great Seal, granted in 1587, in favour of Sir Lewis Bellenden, one of the Barons of Broughton. Under that charter the Manor of Canonmills was declared to be the messuage-house of the Barony, and infeftment taken thereat, to be sufficient for the whole lands comprehended within the limits of the Barony.

The village itself was founded by the Canons of Holyrood Abbacy, and the mills situated there were erected for the use of their vassals in the Barony—hence the name “Canonmills.” It lay a little to the north of the “toun” of Broughton, on the south side of the Water of Leith, the mills being driven by a “lade,” diverted from what, in bygone days, was a large and rapid stream called “the Great River of the Water of Leith.” At the present time, however, it can hardly be called a river—its waters, a few miles above the village, being to a great extent made use of in various ways, and its flow at Canonmills thereby much lessened.

In the agreement made between the city and the hospital, when the mills were partly disposed of to

the former, along with the Superiorities of the Canon-gate, Pleasance, and part of Leith, within the Barony, the city was taken, bound, "not to prejudice the mills, but to allow those resident in the Barony to repair to them and grind thereat, according to use and wont, and to help them to ane thirlage, so far as they can, and the same remain in their possession." The Incorporation of Bakers of Canongate were "thirled" to these—that is, compelled to have their corn ground there, or pay a certain sum.

In the history of the village itself there are not any circumstances, independently of its connection with the Barony, which require particular notice. In 1783, however, it acquired a little notoriety, as during that year, and when there was a great scarcity of food in Edinburgh, by reason of the bad harvest and other causes, a riot or "meal mob" took place, in consequence of a report having spread through the city that the Messrs. Haig, who were at the time extensive distillers in Canonmills, were using oats and potatoes for the purpose of distillation, when the people were almost in a state of starvation from the scarcity, and consequent high price of all articles of food. A large mob from Edinburgh proceeded to the village, for the purpose of destroying the mills occupied by the Haigs, but meeting with resistance from the workmen employed therein—who had been supplied with fire-arms—retired for the time, but not until one of their number had been killed, and the "Riot Act" read by the Sheriff. A few days afterwards a more numerous party, armed with sticks, bludgeons, and such like implements, assembled by beat of drum at the mills. The military had been previously sent for, and stationed there, and the main

object of the mob was again frustrated, but they were not driven from their attempts to destroy the buildings until the military had charged among them, and wounded several of the rioters. The Sheriff was present on this occasion also, and seemed to have rendered himself obnoxious to the crowd, who raised a cry to burn down his house, which was attempted ; but a detachment of the soldiers having been sent there, the mob was again prevented from carrying their threat into execution. From the disturbed state in which both the city and county was in at this time, the county gentlemen agreed to come forward personally with their servants, and repel force by force, if the disturbances were again renewed.*

During the height of the riot, and under the impression that a private carriage, which was on its way through the village, contained one or more of the family of the Haig's, the mob stopped it, by using threats to the coachman if he attempted to proceed further, until it was ascertained who were the occupants. Some of the crowd opened the carriage doors—the blinds having been closed—and looked into it, when the party inside—a lady—having been recognised by one of them, and he having satisfied the others that she was *not* a member of the family of the Haigs, the carriage was thereupon, without any further interruption, and much to the relief of mind of the traveller, escorted to "Heriot's Hill," the residence of the lady's uncle.†

Heriot's Hill was the name of a large villa, with grounds attached, situated within a short distance of

* *Vide* "History of Edinburgh," published by Constable in 1830.

† The lady was afterwards Mrs. Hunter, the mother of the present Sheriff of Dumbarton and Bute.

the village. Several similar residences, such as Logie Lodge, Beaverhall, Powderhall, and others, were in the vicinity.

Like the "town" of the Barony itself, very few of the old buildings in the village now remain, they having been either removed or modernized. On the north side of the river, which is now crossed by a neat stone bridge, a range of villas termed Inverleith Row, Warriston Crescent, and other streets, containing many fine commodious houses and other buildings, have been erected since then, which are now comprehended within the extended Parliamentary boundaries of the city of Edinburgh. A few of the mills in the village are still used, while one or two others have been converted into dwelling-houses.

There was formerly a loch on the ground now partly occupied as the Gymnasium, but it was drained a good number of years ago, and the land formed into meadow or fields for pasturing cattle on. A former proprietor of the residence, "Canonmills House," obtained it, along with the lands and several of the mills in the village, in rather a singular manner. He was a law-agent, and had been instructed by a client to purchase the same for him. The lands were exposed to public sale, at which the agent attended, and made offer for his client. A competition occurred, but the property was ultimately knocked down to the agent as the highest bidder. On informing the client of the purchase, he objected to the transaction on the ground that the agent had exceeded the amount he had authorised him to bid, and at last refused to have anything to do with the matter. The agent thereupon, and to make the most of what was considered by the client a bad bargain, and to save himself from

any question of being liable in damages for non-fulfilling his offer, paid the amount of the purchase-money and took possession of the property himself. It shortly afterwards turned out a good investment, he having found out that the Incorporation of Bakers of Canongate were "thirled" to some of his mills, which, along with some improvements made by him, and the farther extension of the New Town, caused the property to be much enhanced in value.

At present a great portion of the lands are laid out in streets, and the remainder of the "meadow land" has within the last ten years or so been leased to various tenants, and shops and houses erected thereon, forming a continuation of Pitt Street, &c.

Silvermills, another village in the Barony, lay to the west of the "town." It was chiefly occupied by tanners, a branch of trade still carried on there, the water required for which being diverted from the river by a lade which runs through the village and passes Canonmills. Silvermills is supposed to derive that appellation from some of the projects of King James the Fourth or Fifth, in his attempts to find and work silver and other precious metals there, and it was during the reign of one of these kings that a Master of the Mint was first appointed. The buildings had been of a most substantial nature from the appearance of those still remaining, and many of them had pieces of sculpture on the most prominent parts. Two or three of the houses still show designs of roses, thistles, &c., cut out in stone, they also have the crow-step gables and general architecture of the sixteenth century. The old village is now almost entirely hidden from view to a casual passer, lying, as it does, in the hollow between St. Vincent Street and Henderson

Row. A little to the west of St. Stephen's Church a pathway or narrow lane leads to the village, and after passing through what apparently was the main street, emerges at Henderson Row. According to Chambers' "Traditions" a walk on a summer day from the city of Edinburgh to the village, one hundred years ago, was at that time considered a very pleasant one, and much indulged in by the citizens, the roads then being through fields and nursery-grounds; one of these entered from what is now West Register Street—then called "Gabriel's Road."



CONCLUSION.

Extension of Royalty over Lands in Broughton—New Town of Edinburgh—When Houses First Built—The Magistracy of Broughton, &c.

WE have, in our notice of the village or town of the Barony and Regality of Broughton, stated that the Governors of Heriot's Hospital had feued out a great portion of the lands belonging to them to various persons, who had erected villas or country houses on their respective feus. On the proposal for forming the New Town of Edinburgh being carried out, and the act for extending the royalty of the city in that direction obtained, which took place in 1767, the lands rapidly rose in value, and the feus were generally well taken up, although the city was at the same time extending in a southerly direction. By that Act it, *inter alia*, extended over Barefoot Parks, Broughton Parks, and ground there held by the Governors of Watson's Hospital. Shortly before the erection of the North Bridge, the Nor' Loch was drained, and it was proposed to lay out the ground there in garden terraces, having a small loch or canal fed by the water from the springs under the castle rock, but the project fell through, and the land lay waste for a number of years. After the "Mound" was formed by the accumulation of the rubbish removed from the Old Town, and the excavations of the buildings in the New, from which it obtained the name of the "Earthen Mound;" it was made the means of com-

munication between the Old and new Town, the grounds to the west being at same time laid out as gardens. It has undergone many changes since then. On it are now placed the National Gallery and Royal Institution Buildings, these having on the east public pleasure grounds, called East Princes Street Gardens, containing on the main terrace the Scott Monument and Wilson Statue, while on the west side is the beautiful statue of Allan Ramsay, the two latter having been generously presented to the city during the civic rule of the late Lord Provost.* The first house that was erected in the New Town is situated in Thistle Court, immediately behind St. Andrew's Church; it was built in 1766. The Royal Theatre, which stood on the site of what is the Post-Office, was commenced in 1768. Buildings were gradually proceeded with along Princes Street and St. Andrew Square, the latter of which was commenced in 1770; St. David Street in 1769; part of George Street, and St. Andrew's Church, was finished about the year 1783. The New Town had spread westwards to the length of Frederick Street in 1795, while the buildings on the north extended to Queen Street. Eastwards, James Square (Moutrie's Hill), was commenced to be built upon in 1775, the first house in that quarter being one at the south-east corner. When in course of building, the news of the battle of Bunker's Hill arrived in Edinburgh, and great excitement ensued, which spread to the builders engaged on the tenement, two of whom quarrelled and fought upon the spot, in presence of an immense assemblage of spectators,

* The much esteemed Charles Lawson, Esq., of Borthwick Hall.

who forthwith conferred the name of Bunker's Hill upon the locality. The house was subsequently called Hugo Arnot's Land.*

Various Acts of Parliament extending the Royalty of the city over the lands in the Barony, were obtained by the city, within a comparatively short period from the date of each. The effect of these was soon apparent. New streets and squares, with numerous large and beautiful public and private buildings were erected, on the site of its former parks, fields, and lanes. What was once the ancient town of the Barony, containing its courts of justice and Tolbooth, now forms the centre of Broughton Ward, or the second municipal district of the metropolis of Scotland, while the remaining lands are comprehended within the other wards.

The city of Edinburgh has thus totally absorbed within its own municipal boundaries and jurisdiction, the greater portion of the territories of the Barony and Regality of Broughton, which, as we have shown, was at one time entirely independent, in possession of a jurisdiction of its own, officials to assert the rights and privileges pertaining to it, and power to enforce the sentences pronounced by its Barons or Deputes.

The remembrance of the ancient Barony and its traditions have, however, not been entirely forgotten ; for upwards of fifty years ago a number of the inhabitants, belonging chiefly to what is now the Second Ward ; connected with it by ties of birth or residence, elected from among their number a "Magistracy" and other officials, as representatives

* Chambers' "Traditions of Edinburgh," i. 70.

of its former authorities, with the laudable object of preserving old associations, and attempting to save from oblivion the recollection of the former independence of the Burgh. The same procedure has since been annually followed, and the "magistracy" still exists. The duties incumbent upon the members, however, are not more onerous than meeting two or three times a year in an hostlery a short distance from the site of the old Court-house or Tolbooth of the Burgh, admitting candidates to the honorary degree of burghess, and dining with their friends on auld Scotch fare.

From the Minute-Books certain regulations appear to have been adopted, and these "were to be strictly complied with at the election of the Council and Office-bearers, for the management and preservation of the rights and privileges of the very ancient Barony of Broughton, viz.:—

"1. Office-bearers to be elected annually.

"2. Male persons, of adult age, being holders of property within the limits of the Barony, of not less than one year, are qualified to vote and be elected to fill either of the offices.

"3. That male persons, adults, being Burgesses of the Barony, and resident within the boundaries of the same, for a period of not less than one year, and, at the time of election, still resident there, are qualified to vote or fill either of the offices."

The Magistracy consists of a Baron-Bailie (*alias* Provost), senior and junior Bailie, High Sheriff, Treasurer, Clerk, Dean of Guild, Surgeon, Jailor, Bellman, or Officer. The Provost, on high occasions, dons an ermine robe and cocked hat, displaying at same time, a grand official chain with medal attached.

These, with a bell, ancient musket, sword, and some other articles, compose the moveable property of the Corporation. As its revenue has hitherto been sufficient to meet the expenditure, the duty, however pleasant it may be, of retiring bonds incurred for old debts, and thereupon with all solemnity destroying the obligations, has not been exercised by the Treasurer and Bailies. The credit of the Burgh has been zealously maintained, and all the officials, rightly estimating the honour conferred upon them by their fellow-citizens, procure the requisite "tickets" when festive displays occur, on their own proper charges, thus obviating any remarks that might be made by envious persons, of their dining or enjoying themselves at the expense of the community.

In the roll of members are the names of many gentlemen, some of whom have occupied, and still hold, high position in the city. The "Broughtonians" can, at same time, claim as their own, others returned by them to represent the ward who have filled important offices, both as magistrates and councillors of the Modern Athens.

The lodge of Free Gardeners of the Barony was instituted in the year 1845, by a number of the citizens of Broughton Ward, and with the like object called the "Barony of Broughton" Lodge. As regards the number of its members and finance, it is one of the most successful of the order in Scotland.

In accordance with the statement in our introductory chapter, we have, in the preceding narrative, attempted to give an outline of the history of the Barony and Burgh of Regality of Broughton, from

the earliest period of its authentic existence as such, to the date of its judicial extinction and absorption within the municipal boundaries of the city of Edinburgh, and hope that our efforts may aid in furthering the objects desired by the Broughtonians, and be of a little service in throwing light on its history, by placing in a somewhat connected form a few of the incidents which occurred within its boundaries, along with a sketch of the lives of several of its Barons or Superiors.



PIANOFORTES AND HARMONIUMS.

A CHOICE SELECTION
AT THE
MOST MODERATE PRICES,
OR
FOR HIRE BY THE MONTH OR YEAR,
AT
ALEX. ROBERTSON & CO.,
Musicsellers to Her Majesty,
39 PRINCES STREET,
EDINBURGH.

SACRED HARMONY OF THE CHURCH OF SCOTLAND.

By R. A. SMITH.

Price One Shilling and Sixpence.

Complete, with SUPPLEMENT by J. S. GEIKIE,

Price Three Shillings and Sixpence.

With ACCOMPANIMENTS for HARMONIUM or PIANOFORTE,
but without SUPPLEMENT by GEIKIE,

Price Four Shillings.

HOULDENS'

Price of General Stationery.

Note-Papers, Envelopes, and all kinds of Stationery of a very superior quality, at 25 per cent. less than they are to be had anywhere else in Edinburgh,

AT

**HOULDENS' STATIONERY WAREHOUSE,
63 GEORGE STREET, EDINBURGH.**

HOULDENS' WELL-KNOWN PACKETS OF NOTE-PAPER.

FULL SIZE NOTE-PAPER.

Useful Cream-Laid Note-Paper, 5 quires, 6d. and 9d.; per ream, 1s. 10d. and 2s. 9d.

Patent Straw Note-Paper, 5 quires, 6d. and 9d.; per ream, 1s. 10d. and 2s. 9d.

Extra Superfine Cream-Laid, 5 quires, 1s. 0d.; per ream, 3s. 6d.

Extra Superfine Double Thick, 5 quires, 1s. 6d.; per ream, 5s. 6d.

Joyson's Finest Double Thick, 5 quires, 2s.; per ream, 7s. 6d.

QUEEN'S AND ALBERT SIZE NOTE-PAPER.

Superfine Cream-Laid Note, 5 quires, 1s.; per ream, 3s. 9d.

Extra Superfine Cream-Laid, 5 quires, 1s. 6d.; per ream, 5s. 6d.

Joyson's Finest Double Thick, 5 quires, 2s.; per ream, 7s. 6d.

HOULDENS' ENVELOPES, in Various Sizes.

Thick Cream-Laid Envelopes, 4d. per 100; 3s. per 1000.

Superfine Cream-Laid Envelopes, 6d. per 100; 4s. 6d. per 1000.

Extra Superfine Cream-Laid or Blue-Laid, 8d. per 100; 6s. per 1000.

Finest Double Thick Envelopes, do., 1s. per 100; 8s. 6d. per 1000.

Official Envelopes, all Sizes.

DIE STAMPING AND ENGRAVING.

*Arms, Crests, Monograms, Cyphers, Addresses, and Heraldic Devices
Arranged and Stamped in Houldens' Beautiful Styles
on Note-Paper and Envelopes.*

**Arms and Crests searched for, and Monograms designed
in the Newest Styles.**

DIE STAMPS ENGRAVED, from 4s. 6d.,

AT

**Houldens' Stationery Warehouse,
63 GEORGE STREET, EDINBURGH.**

MURDOCH & SON,

51 HANOVER STREET,

EDINBURGH.

SEAL ENGRAVERS AND DIE SINKERS,

Stamp Cutters, and General Engravers,

MEDALLISTS & HERALDIC ARTISTS.

— 838 —

**Coats of Arms, Crests, Monograms, Addresses, &c.,
Engraved on Stone, Steel, and Silver.**

MANUFACTURERS OF

EMBOSSING PRESSES, INK PADS, &c.,

OFFICIAL SEALS AND PRINTING STAMPS

FOR

RAILWAY, BANKING, AND INSURANCE COMPANIES,

**LIVERY BUTTONS, CHURCH TOKENS, STENCIL PLATES, ORNAMENTAL BRASSES,
IN MEDIAEVAL OR MODERN DESIGNS.**



Visiting and Marriage Cards in the Newest Styles.

BOOK PLATES ENGRAVED AND PRINTED IN HERALDIC COLOURS.

DIE STAMPING, LITHOGRAPHING, &c.

Arms and Crests Searched for, and Monograms Designed.

KENNEDY'S HOTEL,

NO. 8 PRINCES STREET,

EDINBURGH,

(In the immediate vicinity of the New General Post-Office.)



THIS Commodious, Old-Established, and Centrally-situated
HOTEL is admirably adapted for Families, Tourists, and
others visiting Edinburgh.



LADIES' COFFEE-ROOM.

The Views towards Princes Street, the Gardens, and the
Castle are unsurpassed.

*** Charges Moderate. Attendance charged in the Bill.*

SHIP HOTEL,

7 EAST REGISTER STREET,

EDINBURGH,

(Within five minutes' walk of the Railway Termini.)



PUBLIC AND PRIVATE ROOMS.

Comfortable and Well-Ventilated Bedrooms.

Breakfasts from 8 till 11 a.m. Ordinary from 4 till 5 p.m.

Attendance charged in the Bill.

WILLIAM KENNEDY, Proprietor.

ESTABLISHED FOR FIFTY YEARS.

WILLIAM MACKENZIE,

Builder and Asphalter,

30 SOUTH CLERK STREET,

EDINBURGH,

RESPECTFULLY intimates that he executes ASPHALTING,
and is ready to furnish Estimates for the same, in Town
or Country, on Moderate Terms.

ASPHALTE FLOORING

Is highly recommended for Stables, Byres, Barns, Cattle Sheds, Granaries, Cottar's Houses, and all kinds of Farm Buildings, on account of its being the most effective preventative to the ascent and spread of damp,—its complete exclusion of vermin—its neat and cleanly appearance—its durability and cheapness in comparison with other descriptions of flooring and pavement—and its healthy and disinfectant properties. While it effects a great saving, by the exclusion of rats and smaller vermin, owing to the close texture of the Composition, without seam or joining, it keeps the Grain in a sweet state, from the entire absence of damp or moisture; and wherever the ASPHALTE FLOORING has been used, it has fully realised all the benefits held out by its adoption.

30 SOUTH CLERK STREET, EDINBURGH,

May 1867.

M R S. B E L L,

(Late Miss GRAY, of 73 George Street,)

Ladies' Shoe Warehouse,

55 GEORGE STREET,

EDINBURGH.

SLOAN & SON,

Scotch and English Coal Merchants,

49 BROUGHTON STREET,

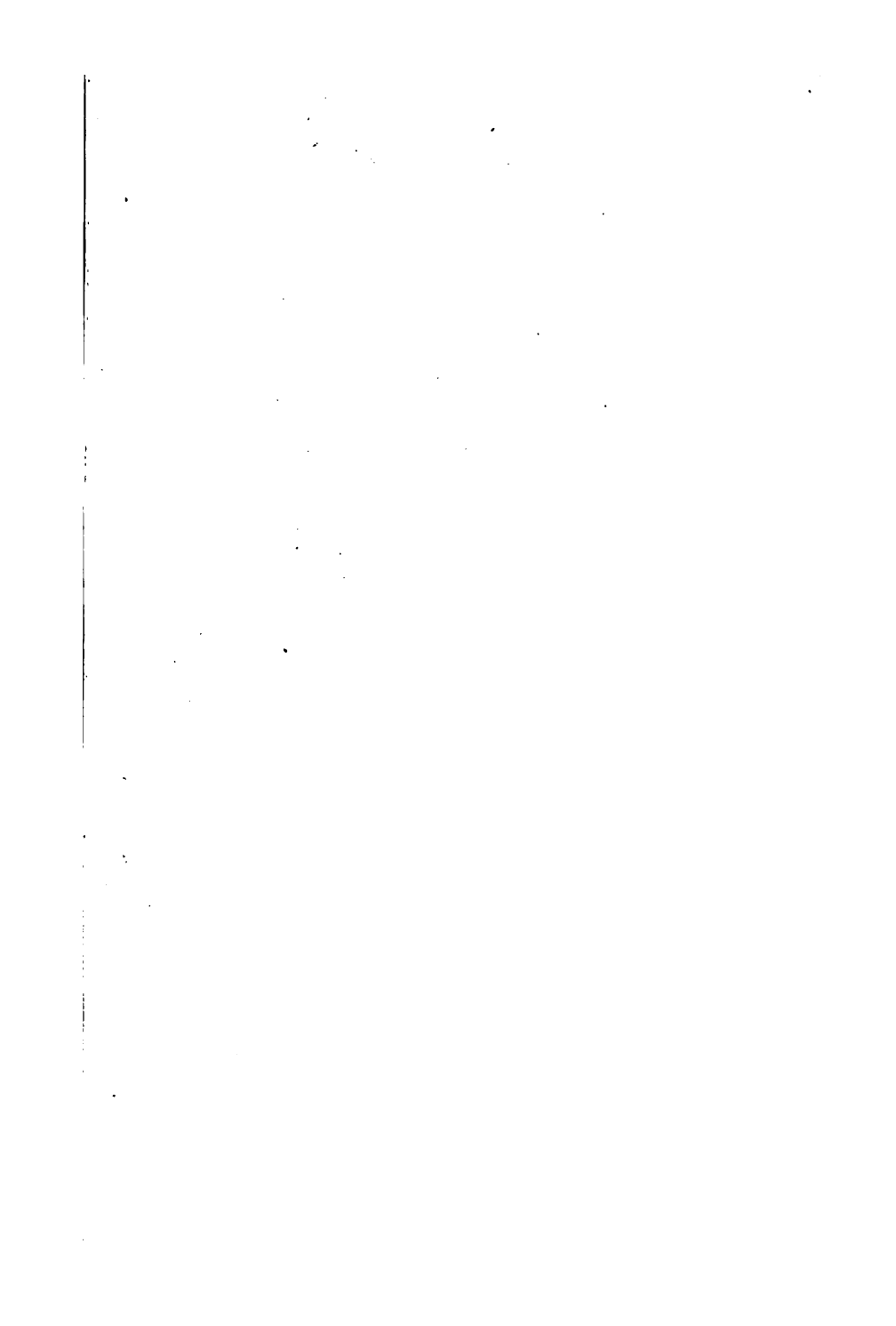
EDINBURGH.

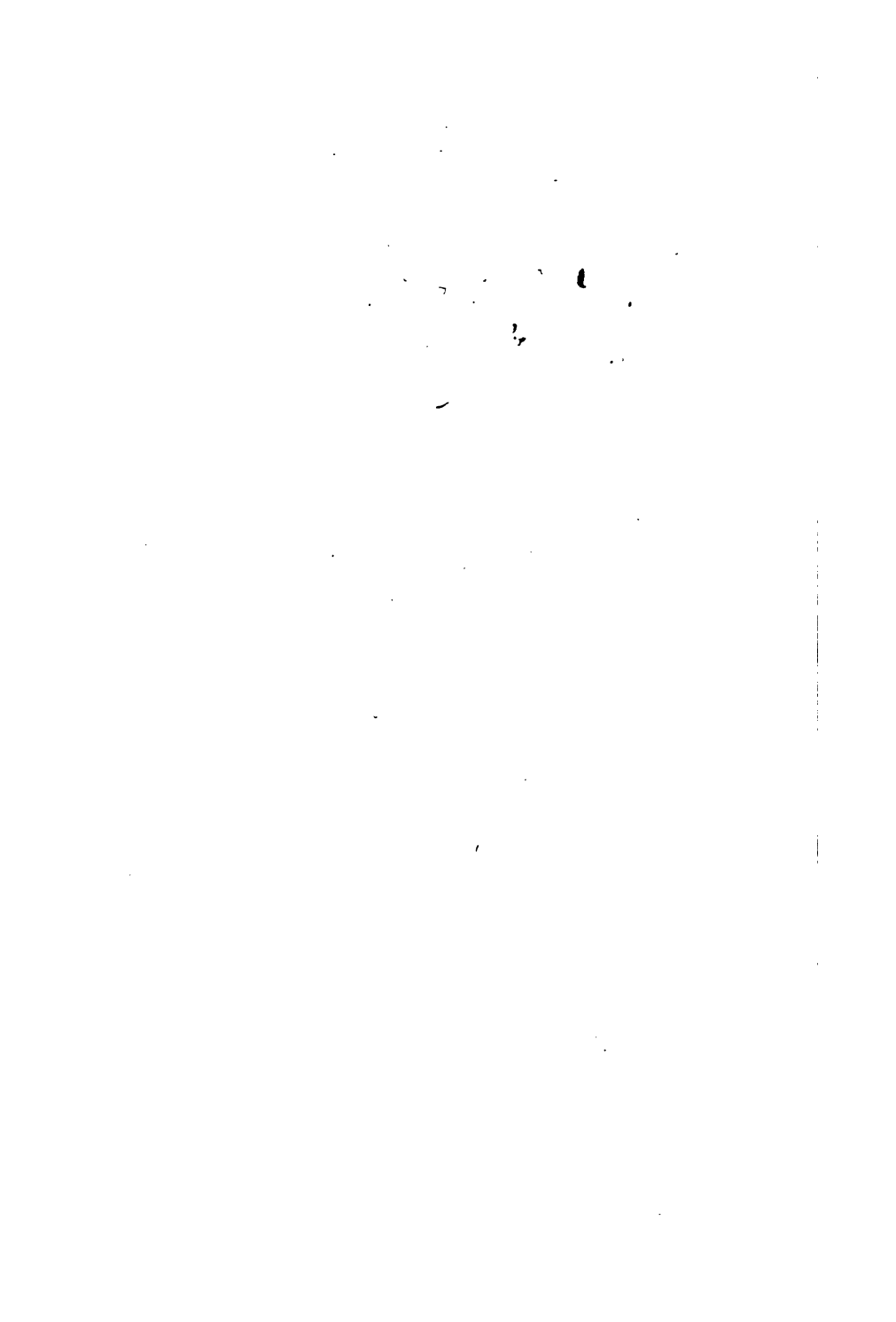
BRANCH OFFICES:— { 67 CASTLE STREET,
LEITH WALK DEPOT, and
ST. CUTHBERT'S LANE.

JOBGING CARTS FOR HIRE.

SPRING VANS,

*For Removing Luggage and Furniture in Town
or Country.*





100 - 3 - 340



